In the Name of Allah,
the All-beneficent, the All-merciful

قال الله تعالى:

﴿إِنَّمَا يُرِيدُ ٱللَّهُ لِيُذۡهِبَ عَنكُمُ ٱلرِّجۡسَ أَهۡلَ ٱلۡبَيۡتِ وَيُطَهِّرَكُمۡ تَطۡهِيرًا﴾

"Indeed Allah desires to repel all impurity from you, O People of the Household, and purify you with a thorough purification."
(*Sūrah al-Aḥzāb* 33:33)

Prophetic traditions recorded in both Sunnī and Shīʿah most reliable books of traditions [*aḥādīth*] and exegesis of the Qur'ān [*tafsīr*] have confirmed that this part of the holy verse is exclusively referring to the People of the Mantle [*ahl al-kisāʾ*] who were the *Ahl al-Bayt* (ʿa) during the time of revelation of the verse.

For instance, refer to the following references:

Sunnī:

(1) Aḥmad ibn Ḥanbal (d. 241 AH), *Al-Musnad*, 1:231; 4:107; 6:292, 304 (2) Muslim (d. 261 AH), *Al-Ṣaḥīḥ*, 7:130 (3) Al-Tirmidhī (d. 279 AH), *Sunan*, 5:361, etc. (4) Al-Dūlābī (d. 310 AH), *Al-Dhurriyyah al-Ṭāhirah al-Nabawiyyah*, p. 108 (5) Al-Nasā'ī (d. 303 AH), *Al-Sunan al-Kubrā,* 5:108, 113 (6) Al-Ḥakīm al-Nayshābūrī (d. 405 AH), *Al-Mustadrak al-Ṣaḥīḥayn*, 2:416, 3:133, 146-147 (7) Al-Zarkashī (d. 794 AH), *Al-Burḥān*, p. 197 (8) Ibn Hājar al-Asqalānī (d. 852 AH), *Fatḥ al-Barī Sharḥ Ṣaḥīḥ al-Bukhārī*, 7:104.

Shīʿah:

(1) Al-Kulaynī (d. 328 AH), *Uṣūl al-Kāfī*, 1:287 (2) Ibn Bābawayh (d. 329 AH), *Al-Imāmah wa'l-Tabṣīrah*, p. 47, *ḥadīth* 29 (3) Al-Maghribī (d. 363 AH), *Daʿā'im al-Islām*, pp. 35, 37 (4) Al-Ṣadūq (d. 381 AH), *Al-Khiṣāl*, pp. 403, 550 (5) Al-Ṭūsī (d. 460 AH), *Al-Amālī*, *aḥādīth* 438, 482, 783.

For further information, refer to the exegesis of the holy verse recorded in the following references: (1) Al-Jaṣṣāṣ (d. 370 AH), *Aḥkām al-Qur'ān* (2) Al-Wāḥidī (d. 468 AH), *Asbāb al-Nuzūl* (3) Ibn al-Jawzī (d. 597 AH), *Zād al-Masīr* (4) Al-Qurṭubī (d. 671 AH), *Al-Jāmiʿ Li-Aḥkām al-Qur'ān* (5) Ibn Kathīr (d. 774 AH), *Tafsīr* (6) Al-Thaʿlabī, *Tafsīr* (7) Al-Ṭabarī (d. 875 AH), *Tafsīr* (8) Al-Suyūṭī (d. 911 AH), *Al-Durr al-Manthūr* (9) Al-Shawkānī (d. 1250 AH), *Fatḥ al-Qadīr* (10) Al-ʿAyyāshī (d. 320 AH), *Tafsīr* (11) Al-Qummī (d. 329 AH), *Tafsīr* (12) Furāt al-Kūfī (d. 352 AH), *Tafsīr*, at the margin of the exegesis of Qur'ān 4:59 (13) Al-Ṭabarsī (d. 560 AH), *Majmaʿ al-Bayān*, as well as many other reference books on *ḥadīth* and *tafsīr*.

Differences among Muslim Jurists
Concerning the Prophet's Estate

قَالَ رَسُولُ الله ﷺ:

إِنِّی تَارِکٌ فِیکُمُ الثَّقَلَیْنِ: کِتَابَ الله وَعِتْرَتِی أَهْلَ بَیْتِی، مَا إِنْ تَمَسَّکْتُمْ بِهِمَا لَنْ تَضِلُّوا بَعْدِی أَبَداً، وَإِنَّهُمَا لَنْ یَفْتَرِقَا حَتَّی یَرِدَا عَلَیَّ الْحَوْضَ.

The Messenger of Allah (ṣ) said:
"Verily, I am leaving among you two weighty things [*thaqalayn*]: The Book of Allah and my progeny [*'itratī*], the members of my Household [Ahl al-Bayt]. If you hold fast to them, you shall never go astray. These two will never separate from each other until they meet me at the Pond [*ḥawḍ*] (of Kawthar)."

Some references:

- Al-Ḥākim al-Nayshābūrī, *Al-Mustadrak 'alā'ṣ-Ṣaḥīḥayn* (Beirut), vol. 3, pp. 109-110, 148, 533
- Muslim, *Al-Ṣaḥīḥ*, (English translation), book 31, *ḥadīth*s 5920-3
- Al-Tirmidhī, *Al-Ṣaḥīḥ*, vol. 5, pp. 621-2, *ḥadīth*s 3786, 3788; vol. 2, p. 219
- Al-Nasā'ī, *Khaṣā'iṣ 'Alī ibn Abī Ṭālib*, *ḥadīth* 79
- Aḥmad ibn Ḥanbal, *Al-Musnad*, vol. 3, pp. 14, 17, 26; vol. 3, pp. 26, 59; vol. 4, p. 371; vol. 5, pp. 181-182, 189-190
- Ibn al-'Athīr, *Jāmi' al-Uṣūl*, vol. 1, p. 277
- Ibn Kathīr, *Al-Bidāyah wa'n-Nihāyah*, vol. 5, p. 209
- Ibn Kathīr, *Tafsīr al-Qur'ān al-'Aẓīm* , vol. 6, p. 199
- Naṣīr ad-Dīn al-Albanī, *Silsilāt al-Aḥādīth aṣ-Ṣaḥīḥah* (Kuwait: Ad-Dār aṣ-Ṣalāfiyyah), vol. 4, pp. 355-358

DIFFERENCES AMONG MUSLIM JURISTS CONCERNING THE PROPHET'S ESTATE

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نام کتاب: اختلاف الفقهاء، فی ترکة سیّد الانبیاءﷺ

نویسنده: محمد الصغیر الطیب السندی

تهیه کننده: اداره ترجمه مجمع جهانی اهل البیتعليهم‌السلام

مترجم: عمر کومو

زبان ترجمه: انگلیسی

Differences among Muslim Jurists

Concerning the Prophet's Estate

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The Ahl al-Bayt (ʿa) World Assembly (ABWA)

Editor: Iffat Shah

Proofreader: Badr Shahin

Layout: Zahra Golzar

Publisher: ABWA Publishing and Printing Center

First Printing: 2015

Printed by: Mujab

Copies: 3,000

ISBN:

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PREFACE

The invaluable legacy of the Household [*Ahl al-Bayt*] of the Prophet (may peace be upon them all), as preserved by their followers, is a comprehensive school of thought that embraces all branches of Islamic knowledge. This school has produced many brilliant scholars who have drawn inspiration from this rich and pure resource. It has provided the Muslim *ummah* with many scholars whom, following in the footsteps of Imams of the Prophet's Household (ʿa), have done their best to clear up the doubts raised by various creeds and currents within and without Muslim society and to answer their questions. Throughout the past centuries, they have given well-reasoned answers and clarifications concerning these questions and doubts.

To meet the responsibilities assigned to it, the Ahl al-Bayt World Assembly (ABWA) has embarked on a defense of the sanctity of the Islamic message and its verities, often obscured by the partisans of various sects and creeds as well as by currents hostile to Islam. The Assembly follows in the footsteps of the *Ahl al-Bayt* (ʿa) and the disciples of their school of thought in its readiness to confront these challenges and tries to be on the frontline in consonance with the demands of every age.

The arguments contained in the works of the scholars belonging to the School of the *Ahl al-Bayt* (ʿa) are of unique significance. That is because they are based on genuine scholarship and appeal to reason, and avoid prejudice and bias. These arguments address scholars and thinkers in a manner that appeals to healthy minds and wholesome human nature.

To assist the seekers of truth, the Ahl al-Bayt World Assembly has endeavored to present a new phase of these arguments contained in the studies and translations of the works of contemporary Shīʿah writers and those who have embraced this sublime school of thought through divine blessing.

The Assembly is also engaged in editing and publishing valuable works by leading Shīʿah scholars of earlier ages to assist the seekers of the truth in discovering the truths which the School of the Prophet's Household (ʿa) has offered to the entire world.

The Ahl al-Bayt World Assembly looks forward to benefit from the opinions of the readers and their suggestions and constructive criticism in this area.

We also invite scholars, translators and other institutions to assist us in propagating the genuine Islamic teachings as preached by the Prophet Muḥammad (*ṣ*).

We beseech God, the Most High, to accept our humble efforts and to enable us to enhance them under the auspices of Imam al-Mahdī, His vicegerent on the earth (may Allah expedite his advent).

We express our gratitude to Muḥammad al-Ṣaghīr al-Ṭayyib al-Sindī the author of the present book, and Mr. Umar Kumu its translator. We also thank our colleagues who have participated in producing this work, especially the staff of the Translation Office.

Cultural Affairs Department
The Ahl al-Bayt (ʿa) World Assembly

PREFACE

All praise is due to God; I praise Him and seek His support, I believe in and depend on Him, from Him do I seek guidance and with Him do I seek refuge against deviation and perdition. I bear witness that there is no deity worthy of worship except God Who is without associate, and I bear witness that Muḥammad is His slave and messenger, may the peace and blessings of God be upon him and upon his good and pure progeny. God the Mighty and Sublime has sent him as a mercy to the worlds, herald of the truth and witness against His creatures. He conveyed his Lord's messages as commanded, without excess or neglect. He strove against God's enemies unflaggingly, and remained faithful to Him in the duty of guiding His servants, exercising patience and expecting His rewards, until he succeeded in spreading the light of Islam and explaining its laws. Thus, on the luminous way, he left behind his community as the recipient of divine grace, '*so that he who perishes might perish by manifest proof and he who lives may live on by manifest proof…*'

The suspicion with which the antagonists of the Ahl al-Bayt's leadership regard Shīʿism, both recently and in former times, has caused the majority of Muslims to be ignorant of many facts that pertain to the life of the Master of the Prophets (ṣ) and his immaculate Household (ʿa), one of those being the issue of his estate. This condition has reached such an extent that the majority of Muslims believe that the Prophet (ṣ) passed away without leaving behind anything, whatsoever; even his coat of mail which he had kept to protect himself during battles against God's enemies was pawned to a Jew!

However, it is common knowledge that before his death, the Apostle of God (ṣ) was running the government of the Islamic nation, which, even then, covered most of the Arabian Peninsula. This government prepared armies, maintained a civil service that included the work of judges, missionaries, secretaries and ambassadors, ran welfare schemes for the needy, the weak, the widows and the orphans. In a word, the Muslim nation as a whole was just like his dependants and he their guardian, not to speak of providing for his nine wives and a number of domestics. Is it conceivable that a reasonable person should take such action, i.e. give out all his wealth in charity (as some believe) and keep aside nothing for the maintenance of his family and his own unforeseen problems? The Prophet

(ṣ), surrounded by internal and external enemies, faced a constant threat to the nascent community.

How could he have spent all his wealth in charity and at the same time prohibited his companions from doing the same?

He said, "The upper hand is better than the lower hand. Start with your family, and [know that] the most meritorious charity is the one which is done out of sufficiency."

How could it have been so, while Almighty God has commanded otherwise? "*Prepare against them whatever power you can and war-horses, filling thereby, the enemy of God and your enemy, with awe, and others besides them, whom you do not know but God knows them,'* and *"Do not keep your hand chained to your neck* (i.e. do not be stingy)*, nor open it all together, or you will sit blameworthy, regretful."*

I have written this book: *Ikhtilāf al-Fuqahā' fi Tarikat Sayyid al-Anbiyā'* (The Differences among Jurists, Concerning the Estate of the Master of the Prophets) in six chapters. The first chapter introduces the Prophet's estate and elucidates on the financial obligations instituted by Islamic law that made up the basic source of that estate. I have given some details on such issues as *khums* (the one-fifth tax levied from war spoils and all other forms of gain), *fay'* (spoils that the Muslim community took without military engagement), *ṣafāyā* (what a leader chooses for himself from the war spoils before it is divided) and *anfāl* (war spoils proper, in general). This, according to Islamic law, comprises the major part of the estate of the Prophet (ṣ).

In the second chapter I have traced the course this estate took after the Prophet's passing away; the determination of Abū-Bakr and ʿUmar to appropriate it; depriving the Prophet's progeny of it; and Fāṭimah's demand for Fadak from Abū-Bakr. I also discussed the protest she staged together with her husband, the Commander of the Faithful (ʿa), and the Prophet's uncle ʿAbbās, to demand the restitution of Fadak, what remained of the *khums* of Khaybar, what the Prophet (ṣ) bequeathed to her and the right of the Hāshimites in *khums*. I have also looked at Abū-Bakr's rejection of the testimonies of the members of the Prophet's Household (*Ahl al-Bayt*), Ummu-Ayman and the Prophet's freed slave Rabāḥ, followed by a critique of Abū-Bakr's contention and an attempt to clear some doubts in that regard.

The third chapter covers an analysis of the legal opinions of the first three caliphs on the questions of *khums*, the *fay'* taken from the Banu'l-Naḍīr tribe, the spoils of Khaybar and the estate of Fadak. I have considered the pretext on which the first caliph refused Fāṭimah (ʿa) her right and laid

bare the fact that he had contradicted the Prophet (ṣ). I have also tried to show that those caliphs contradicted one another and, consequently, their followers hold divergent opinions on this issue. I have presented how Aḥmad ibn Ḥanbal discarded Abū-Bakr's verdict because it was clearly opposed to the Qur'ān and al-Shāfiʿīs analysis of the Qur'ānic verse on *khums* and his revelation of the truth thereof.

The fourth chapter exclusively discusses Abū-Bakr's *lone narration* on the strength of which he contested Fāṭimah's right and denied her her inheritance. I have presented the opinion of our scholars with regard to this narration, and the opinions of Sunni scholars and their differences on the question of whether prophets bequeath their wealth to their heirs. An analysis has also been made of the narration which Bukhārī and Muslim related, whose wording clearly shows that Imam ʿAlī (ʿa) and ʿAbbās the Prophet's uncle believed that Abū-Bakr and ʿUmar were economical with the truth concerning the Prophet's estate.

In the fifth chapter, I have presented an overview of the opinions of Sunni authorities on principles of Islamic jurisprudence, concerning *al-khabar al-wāḥid* (solitary *ḥadīth*, i.e. a Prophetic tradition which has not been successively transmitted by a large number of narrators), and I have applied those opinions to Abū-Bakr's narration. I have also looked at the stand of the Commander of the Faithful, ʿAlī, (ʿa) and his wife Fāṭimah (ʿa), vis-à-vis that narration. The fact that Imam ʿAlī (ʿa) was the most learned in the Qur'ān and the Prophetic tradition; that Imam ʿAlī (ʿa) knew the laws of inheritance better, and was more able to adjudicate than the other companions; and that they used to consult him. The first caliph confessed from the very beginning that he could not cope with the precepts (*sunnah*) of the Prophet (ṣ); and some examples of ʿUmar's legal decisions in which he resorted to his personal opinion and speculation because of his deficient knowledge of the Prophetic Sunnah.

The sixth chapter further discusses Abū-Bakr's narration; his diverting part of the resources of the Prophetic Household for the purchase of war-horses and arms and appropriating the rest in the name of charity. the exercising of personal opinion, in the face of clear texts, by Abū-Bakr and ʿUmar; some instances in the biographies of the Ahl al-Bayt (ʿa) which expose the falsity of the pretexts advanced by the first caliph; and the reasons, which prompted the earlier caliphs to appropriate the rights of the Ahl al-Bayt.

Muḥammad al-Ṣaghīr al-Ṭayyib al-Sindī

CHAPTER ONE
THE PROPHET'S ESTATE AND ITS SOURCES

Preamble on the Estate of the Apostle of God (ṣ)

An objective study of the biographies of the Great Prophet (ṣ) and his Noble Ahl al-Bayt (ʿa), the legacy of his companions (may God be pleased with them), and the various political and legislative phases of Islamic history reveals the whole truth.

The truth is that the Quraysh, represented by the Migrants, who participated in the deliberations of Saqīfah Banī-Sāʿidah, in which they selected a successor to the Prophet (ṣ), were not contented with dispossessing the Commander of the Faithful, ʿAlī ibn Abī-Ṭālib (ʿa), of the right to succeed the Apostle of God (ṣ). They had also appropriated the large estate of the Apostle of God (ṣ), which was among the rights of the Ahl al-Bayt (ʿa) according to divine law. Through that group of Migrants, headed by Abū-Bakr ibn Abī-Quḥāfah and ʿUmar ibn al-Khaṭṭāb, the Quraysh realized their twin goals of attaining wealth and power. As a result of this, it imposed economic sanctions on the Ahl al-Bayt (ʿa) to politically hamstring the head of the Prophet's progeny, ʿAlī ibn Abī-Ṭālib (ʿa), so that the people might shun him, and subsequently, make him incapable of struggling to reclaim his usurped rights.

In this regard, the Commander of the Faithful ʿAlī (ʿa) says: "The day on which God Most High caused His Prophet (ṣ) to die, I was closer to him than my shirt is to my body! I had a covenant with God's Prophet (ṣ), to which I will surely remain true, in complete obedience to God, even if you bridle me by the nose. Their first breach was the revoking of our rights with respect to the *khums*, so when our condition became weak, even beast-herders of the Quraysh coveted the thing which was ours."

Commenting on these words of Imam ʿAlī (ʿa), Shaykh Muḥammad Bāqir al-Maḥmūdī says: "Perhaps revoking the *khums* was considered the first breach of their rights, because of its profound impact in terms of the people's failure to support the cause of the Ahl al-Bayt (ʿa), otherwise, those who wielded power, abolished their right to the estate of Fadak earlier on. Another explanation could be that Fadak was the exclusive property of Fāṭimah (ʿa) that would cover the needs of her progeny after her demise, as the narrations indicate. It was not dedicated to [the office of] the person in authority or for the Hāshimites in general. Therefore, in this sense, the abolition of their right to *khums* [in which the Hāshimites were included] could be considered to have been the first [right of the Ahl al-Bayt (ʿa), in the wider connotation of the term] to be abolished."

I will begin this discussion, God willing, with citations from the Noble Qur'ān and the Prophetic tradition, which mention the Prophet's resources during his lifetime, the sources of his wealth, and what he left behind as estate. I will quote only the *ḥadīth* works of Sunni scholars and their legal opinions, except where there is the need to point out the views of the Ahl al-Bayt (ʿa) and the scholars from among their followers, to reveal some facts that the Sunnis might not have noticed. This is due to the injustice of tyrants and deniers of the truth, the obstinacy of the spiteful, the forgery of the deviated, the wrong interpretations of falsifiers, the interpolations of forgers, the perversion of bigots, and the folly of the ignorant. All success comes from God.

The Prophet's Estate

The Prophet's estate comprised whatever he left behind, which the law considered to be his property; such as, the spoils of war, one fifth of gains (*ghanā'im*), the spoils God had given him without the Muslims having engaged the enemy (*fay'*), and choice portions of spoils - both movable and immovable. Besides these, lands whose owners had vacated them without war, undeveloped lands, forests, the feudal estates of kings, apart from his house, means of conveyance, and other personal effects.

The non-Shīʿah call the totality of the Prophet's estate: the charities of the Prophet (ṣ), deriving this term from the saying: "We bequeath nothing, whatever we leave behind, is charity," which has been attributed to him and which Abū-Bakr alone related. This term has deliberately been made ambiguous in order to conceal the real nature of the Noble Prophet's estate from the people. We shall elucidate on this later.

The Khums On Sundry Gains Is A Right Established In The Qur'ān

God, Most High, says: "*Know that whatever thing you may come by, a fifth of it is for God and the Apostle, and for the relatives, the orphans, the needy and the traveler, if you have faith in God. And, what We sent down to Our servant on the Day of Separation, the day when the two hosts met; and God has power over all things.*" [Sūrah al-Anfāl, verse 41]

This noble Qur'ānic verse makes it obligatory on all Muslims to pay *khums* on whatever gain comes their way. Although the verse was revealed concerning the battle of Badr, the command to pay *khums* from *whatever thing you may come by*, is of universal import and covers every benefit. The maxim of Islamic jurisprudence, which states that *an instance does not make the general become specific or the absolute qualified*[1] [i.e. when an injunction of general or absolute import is enunciated to deal with the case at hand, this particular application does not serve as specifier to the *general* or qualifier to the *absolute*]. Moreover, the Qur'ān is a living and dynamic book applicable to later generations as applied to the earlier ones, as related from the Ahl al-Bayt (ʿa).[2]

According to Arabic lexicologists, *ghanīmah* means any benefit or gain that one acquires, whether it pertains to this or the next world. The word *ghunm* (another form from the same root as *ghanīmah*) is to gain something without difficulty.

Ibn Qutaybah al-Daynawarī says: The word *ghanīmah* refers to what the Muslims take from the land of their adversaries when they engage them in war. It is for the troops, except for a fifth of it. In Arabic, *ghanīmah* and *ghunm* originally denote profit and increment, and it is based on a thing, which is pledged: its increment (*ghunm*) is for the pledger and what it incurs is on him.[3]

Al-Khalīl ibn Aḥmad al-Farāhīdī and Ibn Manẓūr say: *Ghunm* means to gain something without difficulty…[4]

A *ḥadīth* says, "*Ghunm* denotes the profit and increment that accrues to it

1. Muḥammad Riḍā al-Muẓaffar, *Uṣūl al-Fiqh* 2:259.

2. Sayyid al-Khū'ī, *Muḥāḍarāt fī Uṣūl al-Fiqh* (edited by Muḥammad Isḥāq al-Fayyāḍ) 1:240 Dār al-Hādī, Qum, Iran.

3. *Gharīb al-Ḥadīth* 1:46.

4. *Kitāb al-ʿAyn* 4:426.

as well as the appreciation in its value."[1]

Shaykh Fakhr al-Dīn al-Ṭurayḥī remarks: "Initially, the word *ghanīmah* used to denote acquired gains but subsequently some scholars applied it to the spoils the Muslims take from the unbelievers. Spoils that are taken without armed combat were called *fay'* while those taken after waging war were named *ghanīmah*. The Imāmiyyah Shīʿah uphold this classification which has been related from the Holy Imams (ʿa)."[2]

The Holy Prophet's precepts, which Muslims transmitted and recorded in recognized works of *ḥadīth*, has thrown light on the sources of *ghanīmah* and explained the laws governing the *khums*.

The Obligation of Paying the Khums on Gains In the Prophetic Traditions

Scholars of *ḥadīth*, Muslim jurists and historians have mentioned that God's Apostle (ṣ) has enjoined the payment of *khums* from spoils of war, mines, treasure troves, and gains from industry and trade. Therefore, based on their understanding of the texts of the Qur'ān and the Sunnah, Muslim jurists rule that it is obligatory to pay *khums* on all benefits that accrue to wealth.

Bukhārī, Muslim and Mālik have related on the authority of Abū-Hurayrah that God's Apostle (ṣ) has said, "There is no compensation in the case of accidents caused by beasts or those that happen at mines. And treasure troves are subject to *khums*."[3]

Aḥmad ibn Ḥanbal reports in his *Musnad*, on the authority of Jābir ibn ʿAbdullāh and Ibn ʿAbbās, who related that the Apostle of God (ṣ) said, "There is no compensation for accidents that are caused by freely grazing livestock or those that happen in wells or mines. And treasure troves are subject to *khums*."[4] [5]

In another report, Aḥmad ibn Ḥanbal and al-Tirmidhī relate that a man from the tribe of Mādhiyah asked the Apostle of God a number of

1. *Lisān al-'Arab* 12:445, Dār Ṭarrās al-ʿArabī ed., Beirut; Al-Zubaydī, *Tāj al-'Arūs* 9:7, Maktabat al-Ḥayāh ed., Beirut.

2. *Majma' al-Baḥrayn* 3:333.

3. *Ṣaḥīḥ al-Bukhārī* 2:159, *Ṣaḥīḥ Muslim* 5:127, *al-Muwaṭṭa'* 1:244.

4. Aḥmad ibn Ḥanbal, *Musnad* 3:335, *Majma' al-Zawā'id* 3:78.

5. Aḥmad ibn Ḥanbal, *Musnad* 1:314.

questions among which was: "What [does the law say] about the treasure troves we find in ruins and the wilderness?" to which he replied: "*Khums* is payable on it and on buried treasures (*rikāz*)."[1]

Mālik ibn Anas says: What we are agreed on and what I have heard from the scholars is that *rikāz* refers to what is found of the treasures that were buried during the Days of Ignorance (*jāhiliyyah*), the excavation of which does not involve the spending of money, incurring other expenses or much labor. Where such activity involves much work with irregular success it is not called *rikāz*.[2]

It is written in *al-Mudawwanah al-Kubrā* that Mālik said: "What is found of the buried treasures of the Days of Ignorance is subject to *khums* whether it involves [much] work or not."

He further said, "I dislike the act of excavating the graves of the Days of Ignorance in search of treasures but I do not consider it unlawful, so whatever is found in them of the treasures of those times is subject to *khums*."[3]

Muḥammad ibn Idrīs al-Shāfiʿī says: "If one finds a treasure trove in the land of war [i.e. a land in a state of war with the Muslim nation] or in a wasteland which has no owner, like the wastelands of the Arabs, it becomes his property and he is required to pay *khums* on it. If, on the other hand, such treasure is found in any developed land of the enemy, it is treated like [war] booty and what may be taken from their homes."

He also said: "I have no doubt that if a man finds a treasure trove, be it gold or silver, if it is up to the amount for which zakāt is due, it is subject to *khums*."[4]

Another jurist, Abū-Yūsuf, says: "Whatever is got from mines is subject to *khums*. Should one get less than the weight of two hundred dirhams of silver or less than twenty [dinars] of gold from a mine he will still have to pay *khums*."[5]

Muḥyī al-Dīn al-Nawawī says: "Khums is obligatory on buried treasures because Abū-Hurayrah has related that the Prophet (ṣ) has said, 'Treasure

1. Aḥmad ibn Ḥanbal, *Musnad* 2:186,202,207; *Sunan al-Tirmidhī* 1:219.

2. *Al-Muwaṭṭa'* 1:250.

3. *Al-Mudawwanah al-Kubrā* 1:290.

4. *Kitāb al-Umm* 2:48.

5. Abū-Yūsuf, *Kitāb al-Kharāj* pg.25.

is subject to *khums*.' Khums is made payable for it because it is acquired without labor or expenses, but this is only obligatory on those who must pay zakāt as it is a form of zakāt."[1]

ʿAbd al-Karīm al-Rāfiʿī said: "It has been reported that the Prophet (ṣ) said, 'Khums is payable on treasure troves and zakāt on mines,' and Abū-Ḥanīfah also held this view. It is also related from al-Māzinī that the obligation [with regard to buried treasures] is *khums* because the Prophet (ṣ) is reported to have said, 'Khums is payable on buried treasures (*rikāz*),' upon which he was asked, 'What is *rikāz*, O Apostle of God?'

'It is gold and silver created on the day God created the heavens and the earth,' he replied.

Combining the narrations, we can say that *khums* is payable on that which is acquired without difficulty or expenses, and one fortieth [i.e. zakāt] is payable on that which is earned by applying labor and capital."[2]

Shams al-Dīn al-Sarakhsī says: "It has been reported that a man took one thousand five hundred dirhams (silver coins) he had found in ruins to ʿAlī ibn Abī-Ṭālib. ʿAlī said to him, 'If you find it in a place whose occupiers pay its land tax (*kharāj*) then they are more entitled to it than you are, but if you find it in a place where no one pays its land tax then a fifth of it is ours and you can have the four fifths.'"[3]

From the above citations of *ḥadīth*, legal opinions of Sunni scholars and lexicologists, it is clear that the *khums* that is due on gains (*ghanā'im*) is not restricted to war booty but includes other economic gains as well. This is the opinion held by the Shīʿah, i.e. the followers of the Ahl al-Bayt (ʿa), that is *khums* is payable on all kinds of benefits, as mentioned in their works of jurisprudence. Here is a sample:

Shaykh Abū-Jaʿfar Muḥammad ibn al-Ḥasan al-Ṭūsī (may God be pleased with him), wrote in *Tahdhīb al-Aḥkām*: "Khums is obligatory on all forms of benefits (*ghanīmah*). …Benefits include all that is acquired as war booty like money, arms, clothes and slaves; what is acquired from mining, pearl fishery, whaling and buried treasures; and the surplus of the profits of business, agriculture and trade, after deducting production expenses and annual personal expenditure."

1. *Al-Majmū'* 6:91.

2. *Fatḥ al-ʿAzīz* 6:89.

3. *Al-Mabsūṭ* 2:214.

Shaykh al-Ṭūsī relates on the authority of al-Ḥākim, the muezzin, of the tribe of Banū-ʿAbs who said: I asked Abū-ʿAbdullāh Imam Jaʿfar al-Ṣādiq (ʿa) him [concerning the Qur'ānic verse]: '*Know that whatever thing you may come by, a fifth of it is for God and the Apostle*.'

He answered: "By God, it means the gains that accrue day in day out, except that my father (ʿa), set our partisans (Shīʿah) at liberty with regard to that [i.e. relieved them of the inconvenience they may encounter in paying it as soon as it is due] so that they may be pure."

In another narration, al-Ṭūsī relates on the authority of Muḥammad ibn Muslim who said: I asked Abū-Jaʿfar (ʿa) concerning gold, silver, brass, iron, and lead mines, and he said, "Khums is payable on them all."

Al-Ḥalabī is reported to have said: I asked Abū-ʿAbdullāh (ʿa) about whaling and pearl fishery, and he answered: "There is *khums* on them."

Al-Ḥalabī added: I asked him how much is to be paid on buried treasures, and he said, "A fifth."

Then I asked him how much the levy to be paid on minerals is, and he replied, "A fifth."

Then I asked him how much is to be paid on lead, brass, iron and other minerals, and he answered: "The rate is the same as with gold and silver."

Zurārah is reported to have said: I asked Abū-Jaʿfar (ʿa) about the minerals and the amount of levy that should be paid.

He said, "Whatever is got from a treasure trove is subject to *khums*."

He added, "Whatever you expend money in its extraction is subjected to the *khums* levy as long as God makes you benefit by its mineral purely."

ʿAbdullāh ibn Sinān is reported to have reported Imam al-Ṣādiq as saying: "Whoever makes a gain or earns anything should pay the *khums* of it to Fāṭimah (ʿa) and to those among her offspring who take care of her affairs after her; i.e. the Holy Imams who are the arguments of God against humankind. That is exclusively their own; they may spend it however they deem fit, because zakāt has been made unlawful for them. Should a tailor sew a shirt for five coins, we would have one, except those among our partisans whom we absolve [of its obligation] so that they may thereby be legitimate, for on the Day of Resurrection, nothing is as heinous as adultery in the sight of God. Surely, the one entitled to *khums* will stand up [before God] and say: O Lord! Ask these people why they had allowed for themselves to devour our rights."

Muḥammad ibn ʿAlī ibn Abū-ʿAbdullāh said: I asked Abū'l-Ḥasan (ʿa) whether the prescribed zakāt is obligatory on pearls, sapphire and chrysolite that are found in the sea, and gold and silver mines.

He said, "If their value amounts to a dinar they are subject to *khums*."

Ḥasan ibn Ziyād relates that Abū-ʿAbdullāh Imam Jaʿfar al-Ṣādiq (ʿa) said: A man came to the Commander of the Faithful (ʿa) and said, "O Commander of the Faithful, I have gained some money of which I cannot tell what is lawful from what is not."

"Pay its *khums,*" he replied, 'for God Almighty approves of wealth [part of which is of doubtful legitimacy] when *khums* is paid, but avoid that whose owner is known."[1]

Shaykh ʿAlī ibn Bābawayh has said: "Every benefit acquired is a [form of] booty irrespective of whether it is got from treasure troves, mines, pearl fishery or spoils taken by the Muslim community without military engagement (*fay'*), there being no difference of opinion concerning the latter, which is claimed to have been allowed by the owners. It is the profits on commerce, produce of agricultural estates and other benefits that come through business, industry, bequests, etc., because all these categories are gains that God Most High sent His servants as provisions."

Thus, it is related that the *khums* of a tailor comes from his needle and a craftsman from his trade, and whoever gains some wealth through these ways should pay it, if he complies, then he has discharged his duty toward God.[2]

Shaykh al-Mufīd (may God be pleased with him) says: Khums is obligatory on all gains, as Almighty God has said, '*Know that whatever thing you may come by, a fifth of it is for God and the Apostle, and for the relatives, the orphans, the needy and the traveler, if you have faith in God...*' Benefits (*ghanā'im*) comprise all the things taken as war booty including money, weapons, clothes and slaves; what is got from mines, pearl fishery, treasure troves and whaling; and the surpluses of the profits that accrue from business, industry and agriculture, after deducting one's annual expenditure with economy.[3]

Shaykh al-Ṭūsī says: "It is obligatory to pay *khums* on whatever is gained

1. *Tahdhīb al-Aḥkām* 4:121,122,124.

2. Shaykh al-Ṣadūq, *Fiqh al-Riḍā*, pg. 294.

3. Shaykh al-Mufīd, *al-Muqni'ah*, pg. 276

from the profits of commercial enterprises, farm produce, and all the various types of fruits, after deducting the cost of production and one's annual expenditure and his family's. None of the other (i.e. non-Shīʿah) jurists share our view, the proofs of which are the narrations of the Shīʿah and the consensus of their jurists on this question. Moreover, precautionary considerations require acting on our view because by paying *khums* on the items we have listed, one discharges his obligations with certainty, whereas by acting otherwise, it is a matter of contention whether those obligations have been fulfilled."[1]

Letters and Khums of the Holy Prophet

The tribe of ʿAbd al-Qays put a request to the Apostle of God (ṣ), saying, "The polytheists of Muḍar are a barrier between you and us. (They live in a place between our towns and al-Madīnah) and we cannot visit you except during the sacred months. Will you give us some directions which, if we abide by, we shall enter paradise?"

He replied, "I command you to do four things and forbid you from four: Have faith in God. Do you know what it is to have faith in God? It is to bear witness that there is no deity worthy of worship except God, to establish the prayer, and to give the zakāt, and you should pay the *khums* on gains..."[2]

The significance of the Prophet's words: '*and you should pay khums on gains*,' is not restricted to spoils of war, as some people may think; it refers to economic gains in the general sense. Moreover, the clan of ʿAbd al-Qays could not visit the Prophet (ṣ) to discharge their duties whenever they gained something; they could only do so during the sacred months because of the menace of the polytheists. As for war spoils, the Prophet (ṣ) distributed the spoils himself when he participated in the war. Otherwise, those he charged with the command, did the distribution and took one-fifth (*khums*) of the spoils to him. In the case of other gains, it was the duty of the Muslims to send one fifth to the Apostle (ṣ), or to the officers he appointed, as understood from the document he wrote for the delegation of ʿAbd al-Qays.

Similarly, when the Apostle of God (ṣ) sent ʿAmr ibn Ḥazm to Yemen, he

1. Shaykh al-Ṭūsī, *Kitāb al-Khilāfʿ* 2:116.

2. Aḥmad ibn Ḥanbal, *Musnad* 2:23; *Ṣaḥīḥ Bukhārī* 2:109, 5:116, 8:137, 217:*Ṣaḥīḥ Muslim* 1:35,36; Ṭabarānī, *al-Muʿjam al-Kabīr* 12:172-4; al-Bayhaqī, *al-Sunan al-Kubrā* 6:294; Nassā'ī, *al-Sunan al-Kubrā* 1:143.

wrote this document for him: "In the name of God the Merciful the Compassionate. This is a declaration from God and His Apostle, '*O you who have faith! Keep your agreements*.' [This is] a covenant between Muḥammad the Prophet, God's Apostle, and ʿAmr ibn Ḥazm when he sent him to Yemen. He has commanded him to be God-wary in all his affairs and to receive [from the people] for God a fifth (*khums*) of their gains."[1]

In the Prophet's letter to the tribe of Banū-Zuhayr, we read: "If you bear witness that there is no deity worthy of worship except God, and Muḥammad is God's Apostle; establish the prayer; give the zakāt; pay a fifth of what you gain (*ghanā'im*), the share of the Prophet; and the share of the *ṣafī.* Then, you are safe, under the protection of God and His Apostle."[2]

From the foregoing discussion, it has become clear that *khums* is not specific to the spoils of war, unlike the belief of some people, that it is only payable on spoils of war, or what is taken from the land of unbelievers even without waging war. This view is often associated with aims that are directed at depriving the Ahl al-Bayt (ʿa) of their right to *khums* and justifying the action of Abū-Bakr and ʿUmar of appropriating the estate of God's Apostle (ṣ) and depriving his pure Household (ʿa) of the income that is derived from the *khums,* on economic gains as a whole.

The way the Prophet used to divide khums

Al-Māwardī relates that Ibn ʿAbbās said, 'Khums is divided into six parts: one for God the Exalted, and it is spent on the expenses of the Kaʿbah…'[3]

Abu'l-ʿĀliyah al-Riyāḥī related that God's Apostle (ṣ) would divide the war spoils into five parts and give four to the people who participated in the battle. He would then take a handful from the fifth and keep it aside for the Kaʿbah*;* this was the share of God. Then he would divide the rest into five, one for himself and the other four for the relatives, the orphans, the needy and the travelers.[4]

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1. Al-Bulādharī, *Futūḥ al-Buldān* 1:84; *al-Mustadrak ʿalā al-Ṣaḥīḥayn* 4:265; Abū-Yūsuf, *Kitāb al-Kharāj* pg.85; *Kanz al-ʿUmmāl* 5:518.

2. Aḥmad ibn Ḥanbal, *Musnad* 5:77, 78, 363; *Sunan Abī-Dāwūd* 2;32; *Kitāb al-Kharāj*: the chapter on the share of *al-Ṣafiy*; *al-Sunan al-Kubrā* 7;58; *Tafsīr Ibn Kathīr* 2;324; Ibn Qudāmah, *Al-Mughnī* 7;303; *Naṣb al-Rāyah li-Aḥādīth al-Hidāyah* 6;560.

3. Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah* pg. 139.

4. Abū-ʿUbayd, *Al-Amwāl* pg. 14,320; *Tafsīr al-Ṭabarī* 10:4; Al-Jaṣṣāṣ, *Aḥkām al-*

Another narration states that the *khums* used to be divided into six parts: two for God and His Apostle and one for his relatives until the time he died.[1]

Sayyid Murtaḍā al-ʿAskarī comments on these two narrations saying: These two narrations state explicitly that *khums* used to be divided into six, and this is the correct way because it conforms to the text of the Qur'ānic verse on *khums*. As for Abu'l-ʿĀliyah's narration that the Apostle (ṣ) used to keep God's share for the Kaʿbah, perhaps it happened only once. I think the correct report on this matter was what ʿAṭā' ibn Abī-Rabāḥ said: "The fifth part was God's share and it was also His Apostle's. It was the same share and the Apostle (ṣ) used to take from it and give whoever he liked or spend on whatever he wished."[2]

Ibn Jarīr relates something similar: "Four-fifth was assigned for those who participated in the battle and the remaining one-fifth was for God and His Apostle (ṣ). The Apostle would spend a fifth of this [one fifth] as he pleased. He gave another one fifth to his relatives."[3]

Ibn Abī-Shaybah al-Kūfī, through his own chain of authority, reported that ʿAṭā' [ibn Rabāḥ] said: "The one-fifth that was for God was the same one-fifth that was the share of the Apostle (ṣ) who used to spend it as he wished, do whatever he wished, and give to whomever he wished."

It has been related that al-Shiʿbī has commented on the verse '*Know that whatever thing you may come by, a fifth of it is for God...*' saying: The share of God was the same as that of the Prophet (ṣ).[4]

ʿAbdullāh ibn Qudāmah writes: "Khums is divided into five shares and this is the view that was held by ʿAṭā', Mujāhid, al-Shiʿbī, al-Nakhaʿī, Qutādah, Ibn Jurayj, and al-Shāfiʿī. Others say that it should be divided into six: a share for God and another for His Apostle (ṣ), as is explicit in the word of God: *Know that whatever thing you may come by a fifth of it is for God and the Apostle, and for the relatives, the orphans, the needy and the traveler*. There are six shares in all, since God has allocated one for Himself, which in fact reverts to His needy servants. Abu'l-ʿĀliyah says:

Qur'ān 3:60,61

1. *Tafsīr al-Nayshābūrī*, printed on the margins of *Tafsīr al-Ṭabarī* 10:4.

2. Abū-ʿUbayd, *Al-Amwāl* pg. 14.

3. *Ma'ālim al-Madrasatayn* 2:156; *Tafsīr al-Ṭabarī* 10:5.

4. *Al-Muṣannaf* 7:679.

The share of God, the Mighty and Sublime, refers to that portion which was the handful that [the Prophet (ṣ)] used to take and assign for the Kaʿbah. This is what was called God's share, so do not allocate a portion to Him, for the entire world and the hereafter are His dominion. Then the Prophet (ṣ) would divide the rest of the shares which he had kept aside into five parts."[1]

Ibn Jarīr al-Ṭabarī relates that ʿAṭā' has recited the verse: '*Know that whatever thing you may come by a fifth of it is for God and the Apostle…*' and remarked, "The share of God was the same as that of the Prophet (ṣ) and he used to spend it as he wished."

In another narration, al-Ṭabarī relates that, commenting on this verse, Ibrāhīm [al-Nakhaʿī] said, "All things are God's property, therefore, the *khums* is for the Apostle (ṣ), the relatives, the orphans, the needy and the travelers."

Ibn ʿAbbās says: "War spoils used to be divided into five parts, four of which went to those who fought the battle and the other part was subdivided into four. From these, one fourth was the share of God, the Apostle and the relatives (i.e. the Prophet's relatives), so what was the share of God and the Apostle was, in fact, for the Prophet's relatives, for he did not take anything for himself from the *khums*. The three fourths went to the orphans, the needy and the travelers."[2]

According to the Ahl al-Bayt's school, *khums* is divided into six portions, as the Qur'ānic verse states and all of it goes to the Prophet's relatives. Ibn Idrīs al-Ḥillī says: "The legal opinion of Sayyid Murtaḍā, recorded in the thirtieth issue of the jurisprudential issues collected in *al-Masā'il al-Mawṣiliyyāt al-Thāniyah al-Fiqhiyah*, is this: Khums is divided into six parts; three of which are given to the Imam, who is the Apostle's successor, and these are the shares of God, His Apostle (ṣ) and the Imam (ʿa). The other three are for the orphans of the Prophet's Household, its needy ones and its travelers, to the exclusion of all other people. The question of *khums* can be summarized in these words: It is obligatory to pay *khums* on all gains and earnings. What is acquired as spoils of war, extracted from mines, and gained from pearl fishing and treasure troves, as well as the surplus on profits that accrue to business, agriculture and industry, after deducting the cost of production and one's annual

1. *Al-Mughnī* 7:300; *Al-Sharḥ al-Kabīr* 6:228.

2. *Jāmi' al-Bayān 'an Ta'wīl Āyi al-Qur'ān* 10:6.

expenditure. As for the manner of sharing it and who its beneficiaries are, *khums* is divided into six parts, three of which go to the Imam (ʿa), who occupies the position of the Apostle (ṣ). These three shares belong to God, His Apostle (ṣ) and the relatives, because the fact that God Almighty has attributed a share to Himself means, in reality attributing it to His Apostle (ṣ), as this was but a veneration of his position. In like manner, God has considered obedience to the Apostle and seeking his pleasure or offending him as equivalent to, obedience to God the Mighty and Sublime, and seeking His pleasure or offending Him.

The second share that is attributed to the Apostle (ṣ) was his own, as explicitly stated, and together with the first, made up his portion [of the *khums*] during his lifetime and after him, that of his successor. The share attributed to the relatives was intended for the leader of the Muslims (i.e. the Imam) after him, since he was the closest person to the Prophet (ṣ). The remaining three shares are for the orphans, the needy and the travelers among the Family of Muḥammad (ṣ) which refers to the Hāshimites exclusively.

When Muslims take any spoils from the territories of unbelievers by the force of the sword, the Imam (ʿa) shall divide it into five shares and distribute four of them among the fighters, and then divide the fifth again into six parts. These are the six that I have already mentioned, three of which go to the Prophet (ṣ) and the remaining three to the three groups among the members of his family: the orphans, the needy and the travelers. My reason for holding this opinion is the consensus of the rightful Sect [i.e. the Shīʿah] in that regard and their acting according to it. If our opinion is countered by saying that, this amounts to specifying the general injunctions of the Book. God Most High, has said, '*Know that whatever thing you may come by, a fifth of it is for God and the Apostle (ṣ), and for the relatives.*' Here, *the relatives* is of general import, whereas we have recognized only one sense of the term; and *the orphans, the needy and the traveler* are also general terms, but we considered them to be specific to the Hāshimites. Our answer would be as follows. General injunctions can be specified by an established proof, therefore where there is consensus of the rightful Sect (i.e. the Shīʿah) on the legal opinion in question, we accordingly consider the general injunction duly rendered specific, because their consensus does not support the supposed import of the injunction as it appears. In addition, there is no difference of opinion among the Muslim community that these injunctions that have been specified for *the relatives* is a general term that includes both the Prophet's relatives and those of

others, therefore to consider it to refer to the Prophet's relatives alone, is to drift from the apparent import of the injunction. The same can be said about *the orphans, the needy and the travelers* which, appearing in the unspecified sense, should include the Muslim and the dhimmī (non-Muslims who enjoy the protection of the Islamic State), the rich and the poor, although there is no disagreement that this is not what is intended, and that, this general injunction has been specified anyway."[1]

These are the words of Sayyid Murtaḍā, which I have quoted verbatim.

We can see that scholars of *ḥadīth*, jurists and Qur'ānic exegetes unanimously hold that *khums* is to be divided into six parts, according to the view of those who differentiate between the share of God and His Apostle (ṣ), or five parts, in keeping with the opinion of those who consider the two shares as one and the same. In due course, we shall, God willing, cite more narrations and elucidate more on the way the Prophet of God (ṣ) used to divide the *khums*, along with a discussion and analysis of this issue with regard to his estate.

Khums is exclusively for those for whom alms is forbidden

All Muslims unanimously agree that the people who are entitled to *khums* are the Hāshimites for whom the alms have been forbidden. God has made them needless of it by granting them the *khums* of war spoils and assorted gains, and the *right of the Relatives*, thereby raising them above the need of the filth of people's wealth (i.e. the zakāt and alms, since these taxes are meant to cleanse their wealth).

Al-Minhāl ibn ʿAmr said: I asked ʿAbdullāh ibn Muḥammad ibn ʿAlī and ʿAlī ibn Ḥasan about the *khums*, and they answered: "It is ours."

Then I said to ʿAlī, "God has said: *and for the orphans, the needy and the travelers*," to which he responded, "[That is] the orphans and the needy among us."[2]

God Almighty assigned a share in the alms for the poor Muslims when He specified the items for which zakāt is payable and the people who are entitled to receive it. The Most High says, *"Charities are only for the poor, the needy, those employed to collect them, those whose hearts are to be reconciled, [the freeing of] the slaves, the debtors, [spending] in the way*

1. *Al-Sarā'ir* 1:502.

2. Al-Ṭabarī, *Jāmi' al-Bayān* 10:12; *Tafsīr Ibn Kathīr* 2:324; Al-Shawkānī, *Fatḥ al-Qādir* 2:310.

of God and the traveler."

On the other hand, the verse of *khums* lists the shares of the Apostle (ṣ), his relatives, the orphans, the poor and the travelers among them. God has fixed these shares after mentioning His own in order to honor these people. Certainly God made them partners in the *khums* which is in fact entirely His own; He gave His share to His Apostle (ṣ) and made exclusive to the relatives that portion of *khums* that is derived from gains other than war spoils. This was a distinction for them and done in order to distance them from the blemish of having to stand in need of the impurities of people's wealth.

Al-Ṭabarī relates that Mujāhid said: "Charities are forbidden to the Family of Muḥammad (ṣ), so in its place they are granted a fifth of the one-fifth levy (*khums*). …God knows that there are poor people among the Hāshimites so He gave them the *khums* in place of charity."[1]

Whenever some food was brought to the Prophet (ṣ), he would ask whether it was a present or alms, if it was the former he would partake of it but if it was the latter he would not.[2]

One day, the Prophet (ṣ) said to some of his companions while he was in the house of Zaynab bint Jaḥsh, "[Receiving] alms is unbecoming of the family of Muḥammad (ṣ) because it is but the filth of the [wealth] of the people."[3]

Abū-Yaʿlā says: 'The share of the Relatives and their right to the *khums* is an established matter. They are specifically the descendants of Hāshim and ʿAbd al-Muṭṭalib, the two sons of ʿAbd-Manāf and no other Qurayshi has any right in it. It is divided among them equally, be they young or old, rich or poor, but their men get more than their women; the male having twice the share of the female, since they have been granted the *khums* by virtue of kinship. However, their allies (*mawālī*) and their daughters' sons have no share in it."[4]

Under the topic: *The Khums of Fay' and Spoils*, Aḥmad ibn Ḥanbal writes: "It is divided into three parts, one of which is for the treasury. It is the

1. *Jāmi' al-Bayān* 10:8.

2. *Ṣaḥīḥ Muslim* 3:121; *Sunan al-Nassā'ī* 5:107 Al-Bayhaqī, *al-Sunan al-Kubrā* 6:185; Al-Bukhārī, *al-Tārīkh al-Kabīr* 7:329.

3. *Ṣaḥīḥ Muslim* 3:118; *Musnad Aḥmad* 4:166.

4. *Al-Aḥkām al-Sulṭāniyyah* pg.137.

Apostle's share, which is spent on the common good, and its disbursement is the prerogative of the leader who shall exercise his independent judgment (*ijtihād*) on the matter."[1]

Khums being restricted to the people who are forbidden to receive alms should not imply that it has been bestowed on them as a substitute for alms, rather it is only meant to define the groups of people who are included as beneficiaries of *khums*, namely the clans of Hāshim and ʿʿAbd al-Muṭṭalib clans. What we understand here is that God the Glorious has bestowed the *khums* of spoils and other gains on the Apostle (ṣ) and his Household (ʿa) and extended it to the Hāshimites and the Muṭṭalibs in general, by virtue of kinship, as a token of His benevolence. In like manner, God has singled out His Apostle (ṣ) for the right to *fay'*, the spoils that are taken without combat and the *ṣafāya*, (i.e. what the commander chooses for himself from the spoils before they are divided) as well as many other privileges granted to the Prophet's Household.

Fay' is for the Apostle Alone

God Almighty says: "*The spoils that God gave His Apostle from the people of the townships are for God and the Apostle, the relatives, the orphans, the needy and the traveler...*"

Al-Jawharī says: *Fay'* means land tax and spoils.

Ibn al-Athīr says: The word *fay'* has appeared several times in *ḥadīth* literature in various etymological forms. It is the property of the unbelievers taken by Muslims without engaging them in war. Originally *fay'* means to return, as though the property had been initially theirs and now it has been returned to them. *Fay'* stands for the shadow that forms after the sun has passed the meridian, because it returns from the west toward the east.[2]

The Qur'ānic verse in Sūrah al-Ḥashr about *fay'* was revealed in connection with the affair of the Jewish tribe of Banu'l-Naḍīr, when they violated their covenant with the Apostle of God (ṣ) and plotted to assassinate him. The Prophet (ṣ) sent them an emissary to tell them that he had received information about their treachery and ordered them to migrate. However, they refused to comply and kept to their fortresses for fifteen days, after which they accepted the Prophet's terms; namely, that they could take with

1. *Ibid.* pg. 115.

2. *Al-Nihāyah fī Gharīb al-ḥadīth* 3:482.

them from their property as much as their camels could carry except for weapons. Thus, Banu'l-Naḍīr migrated from al-Madīnah to Khaybar and other places with six hundred camels, and God granted His Apostle (ṣ) the large amount of weapons they left behind as well as their palm groves and estates. ʿUmar [ibn al-Khaṭṭāb] said to the Prophet (ṣ), "Will you not give the *khums* of what you gain?"

"I will not allocate to someone else what God has bestowed on me exclusively by virtue of His saying: *The spoils that God gave His Apostle from the people of the townships...*"[1] he replied.

Al-Bukhārī relates from al-Zuhrī from Mālik ibn Aws who said that ʿUmar said: "The properties of Banu'l-Naḍīr were among the possessions God granted to His Apostle (ṣ) for which the Muslims did not fight any battle and they became his own exclusively. It was from them that he met his annual family expenses and he spent the rest on arms, mounts and equipage for waging war in God's way."[2]

The author of *Ṣaḥīḥ Muslim* said: "God has granted His Apostle (ṣ) a privilege the like of which He has not granted anyone else. He has said: *The spoils that God gave His Apostle*."

Al-Nawawī says: "Abū-Yaʿlā mentioned two possible meanings of this statement. Firstly, either making spoils lawful for the Prophet (ṣ) and his community and, secondly, dedicating the *fayʹ* to him either partially or wholly."[3]

Ḥammād ibn Isḥāq ibn Ismāʿīl ibn Zayd al-Baghdādī said: "The Apostle of God (ṣ) continued in this condition [i.e. inviting people to Islam] persevering in worshipping God and following His dictates, leading an ascetic life with hunger and other constraints. Thereafter, God granted him the conquests at the closing years of his life. As a result, he acquired some possessions, part of which was the fortune of Mukhayrīq, the Jew, which he bequeathed to the Prophet (ṣ) because he knew that he was the Apostle of God (ṣ) although he did not embrace Islam. These acquisitions included the charities of the Apostle of God at al-Madīnah, and the fortresses that God granted him without the Muslims engaging the enemy in armed combat. These were the properties of the Banu'l-Naḍīr, and some fortresses of Khaybar, whose inhabitants submitted to the Apostle without

1. Sayyid Murtaḍā al-ʿAskarī, *Maʿālim al-Madrasatayn* 2:117.

2. *Ṣaḥīḥ al-Bukhārī* 6:58.

3. *Sharḥ Ṣaḥīḥ Muslim* 12:75.

engagement, (while other Khaybar strongholds were fought and subjugated), and Fadak. God the Blessed and Most High says, '*The spoils that God gave His Apostle from them, you did not spur any horse for its sake nor any riding camel, but God makes His apostles prevail over whomever He wishes, and God has power over all things.*' By this, God granted His Apostle (ṣ) what He had not granted anyone else."[1]

Abū-Dāwūd relates on the authority of al-Zuhrī who, commenting on the verse: '*The spoils that God gave His Apostle from them, you did not spur any horse for its sake nor any riding camel,*' said that ʿUmar said: "This is for God's Apostle (ṣ) exclusively. They are the villages of the palm groves of Fadak and such and such."[2]

Al-Bayhaqī relates on the authority of Bishr ibn Yasār who said that he heard a group of the Apostle of God's companions say that when he gained victory over Khaybar, the Apostle of God (ṣ) divided it into thirty-six parts of a hundred shares each. Half of them were given to the Muslims, including the Prophet's share, and he set aside the other half for vicissitudes and difficulties. The Shaykh (al-Bayhaqī) said, 'It was so because the Prophet (ṣ) took some of the fortresses of Khaybar by force of arms and the others peacefully. So, what he divided among the people were the spoils from those sections which he took by force, and what he kept for times of difficulty, was the portion God had given His Apostle (ṣ), for which they *did not spur any horse nor any riding camel*.[3]

Al-Wāqidī and others say: What he used to spend on his family was from the properties of Banu'l-Naḍīr, which became his own exclusively, and from it he gave whoever he wished and withheld, from whoever he wished. He appointed Abū-Rāfiʿ, his freed slave, to oversee the properties of Banu'l-Naḍīr.[4]

Some scholars hold the view that the verse of spoils was abrogated, as has been related from Qutādah, but this is simply ridiculous. Sayyid Abu'l-Qāsim al-Khū'ī says: It has been reported that Qutādah holds that the verse was abrogated. He is reported to have said: *Fay'* is the same as spoils, and during the early days of Islam the spoils used to be divided among those groups of people mentioned in the verse of *Sūrah al-Ḥashr* (59:7), and

1. *Tārīkah al-Nabī* pg. 78 1st ed. 1404 A.H.

2. *Sunan Abī-Dāwūd* 2:22 ḥadīth No. 2966

3. Al-Sunan Al-Kubra 9:138.

4. *Al-Maghāzī* pg. 363,378; Al-Miqrizi's *Imtā' al-Asmā'* pg.178.

none of the fighters got anything from it unless they fell within those groups. Thereafter, God abrogated that injunction with the verse of *Sūrah al-Anfāl* (no. 8) allocating one fifth for those people and four fifths for those who fought the battle. God, Most High, says: *Know that whatever thing you may come by, a fifth of it is for God…*

However, the scholars have rejected this view because, as they say, the spoils that Muslims gained from war were different from the spoils, which God gave His Apostle (ṣ) without hostilities. Therefore, there is no mutual contradiction between the two verses to warrant one abrogating the other.

Al-Khū'ī adds: What the scholars hold is clear, and leaves no room for argument. The fact that it has never been reported by biographers, that the Prophet (ṣ) ever allocated the spoils only to himself and his family, to the exclusion of the soldiers who fought the battles buttresses their point. As for the claim of abrogation, it is falsified by the fact that Sūrah al-Anfāl was revealed before Sūrah al-Ḥashr, and there is not the least doubt about that. Certainly, the abrogating verse must come later than the abrogated one.[1]

Ṣafāyā are for the Apostle Alone

God, the Exalted and Sublime, says: *…you did not spur any horse for its sake nor any riding camel, but God makes His apostles prevail over whomever He wishes, and God has power over all things.* [Sūrah al-Ḥashr, verse 6]

Al-Jawharī says: *Al-ṣafī* denotes what the leader chooses for himself from the spoils, before it is divided. It is also called *al-ṣafiyah* (pl. *ṣafāyā*).[2]

Ibn al-Athīr says: *Al-ṣafī* is what the army commander chooses for himself from the spoils before it is divided. It is also called *al-ṣafiyah* (pl. *al-ṣafāyā*). In ʿĀ'ishah's narration: Ṣafiyah was among the *al-ṣafī*.

She meant that Ṣafiyah the daughter of Ḥuyay was what the Prophet (ṣ) chose for himself from among the spoils of Khaybar. *Al-Ṣawāfī* refers to those properties whose owners had migrated and left behind, or died without leaving an heir. This is the meaning upheld by the people who recite the verse: *So, over them, mention the name of God exclusively*

1. *Al-Bayān fī Tafsīr al-Qur'ān* pg.380; *al-Nāsikh fi'l-Qur'ān* pg.36.

2. *Al-Ṣiḥāḥ* 6:2401.

[*ṣawāff*].[1]

In summary, *al-ṣafī* denotes possessions that were the property of God's Apostle (ṣ) to the exclusion of all other Muslims. These included movable and immovable properties such as lands and estates, and things he chose from the spoils before they were divided and those spoils that were taken without waging war. *Al-ṣafī* was the property of the Prophet (ṣ), apart from his share of the general *khums* and the spoils of war (*anfāl*).

ʿUmar ibn al-Khaṭṭāb is reported to have said: The Apostle of God had three *ṣafī*s: Banu'l-Naḍīr, Khaybar and Fadak.[2]

It is related that al-Zuhrī said: The Prophet (ṣ) concluded a peace treaty with the inhabitants of Fadak and other villages, while he was besieging another people. They (the people of Fadak) had sent him a delegation to conclude the truce.

Then, al-Zuhrī recited: *You did not spur any horse for its sake nor any riding camel* (Qur'ān 59:6), by which he meant to say that the Prophet (ṣ) took those forts without a fight, and he added: The land of the Banu'l-Naḍīr became exclusively the Prophet's property because the Muslims did not conquer it by force.[3]

In another narration, Abū-Dāwūd relates, through a chain of transmission that goes back to ʿĀmir al-Ashʿabī, who said that the Prophet (ṣ) used to have a share called *al-ṣafī*, which he took before the *khums* was divided. It could be either a male or female slave, a horse, or whatever else he wished to take.[4]

Ibn Abī-Shaybah al-Kūfī reported that Ashʿath ibn Muḥammad said: Of the war spoils, there are: the share of God, of the Prophet (ṣ) and [another share known as] *al-ṣafī*.

Ibn Sīrīn says: The best prisoner of war was set aside for the Prophet (ṣ), the *khums* was deducted, and then he was given a share in what remained, along with the rest of the people, whether he took part in the battle or not.

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1. *Al-Nihāyah fī Gharīb al-Ḥadīth* 3:40. However, *sawaffa* (meaning 'as they stand') is the common recitation of the word.

2. *Sunan Abī-Dāwūd* 3:141; *Kitāb al-Kharāj wa'l-Amwāl* pg. 9.

3. *Sunan Abī-Dāwūd* 3:141; Abū-ʿUbayd's *Kitāb al-Kharāj* pg. 9.

4. *Sunan Abī-Dāwūd* 2:30; *Kitāb al-Kharāj wa'l-ʿImārah wa'l-Fay'* -section on the share of al-ṣafī.

Ibn Sīrīn added: The *al-ṣafī* on the day [of the battle] of Khaybar was Ṣafiyah the daughter of Ḥuyay.[1]

Muḥyī al-Dīn al-Nawawī says: Ibn Qāsim and Ibn Wahab said that the saying of God the Most High (*you did not spur any horse for its sake nor any riding camel*) refers to the properties of the Banu'l-Naḍīr. It was not subject to *khums*, nor was it taken through armed combat; it was the Apostle of God's *ṣafiyah* (i.e. the property that is left by the adversary without battle) and he divided it among the Migrants and three men of the Helpers.

Moreover, God's says: "*The spoils that God gave His Apostle from the people of the townships*." This Qur'ānic verse refers to the properties of the Banū-Qurayẓah clan. The affair of Banū-Qurayẓah and the battle of the Ditch took place the same day.[2]

Abu'l-Barakāt says: …and the *ṣafī* of the spoils, that is, what he would choose from it before the sharing. He used to spend it on himself and his family, and Ṣafiyah [the daughter of Ḥuyay] was from such properties.[3]

Shams al-Dīn al-Sarakhsī says: The Prophet (ṣ) used to have three shares from the spoils: a fifth of the *khums*, the *ṣafī* and his normal share, and the right to the *ṣafī* and the one fifth of the *khums* was not transferable to the caliph after him. The *ṣafī* was a precious thing that he used to choose for himself, such as a sword, undeveloped land, or a slave girl. It has been reported that from the spoils of the War of Badr he selected *Dhu'l-Faqār*, which was Munabbih ibn al-Ḥajjāj's sword, contrary to the Rāfiḍites' claim that it descended from heaven for ʿAlī (ʿa); and from the spoils of Khaybar he chose Ṣafiyah. During the Days of Ignorance *ṣafī* used to be the privilege of the commander of the army. As for the share of the relatives, who are the descendants of Hāshim and al-Muṭṭalib, the Apostle of God (ṣ) used to give it to them during his lifetime, and, in our opinion nothing remains for them of that share after his demise. Al-Shāfiʿī holds that it was their right; they are to be assembled from all quarters of the earth and it should divided equally among their males and females.[4]

By the way, the fact that the Apostle of God (ṣ) had chosen *Dhu'l-Faqār*

1. *Al-Muṣannaf* 7:678.

2. *Al-Majmū'* 19:378.

3. *Sharḥ al-Kabīr* 2:214.

4. *Al-Mabsūṭ* 10:9.

from the spoils of the War of Badr does not contradict that Imam ʿAlī (ʿa) had another sword with the same name '*as the Rāfiḍites claim*.' It is a historical fact, that Imam ʿAlī (ʿa) fought on the day of Badr with his sword *Dhu'l-Faqār*, and that was even before the Apostle (ṣ) took the spoils that contained the purported sword that carried this name. In fact, any sword with notches on its blade was called *Dhu'l-Faqār,* and it is reported in the traditions that the Apostle of God (ṣ) also had a sword with this name, which was different from the famous sword of Imam ʿAlī (ʿa).

Discussing the *ṣafāyā* of God's Apostle (ṣ), Muḥammad Shams al-Ḥaqq al-ʿAẓīm'ābādī says: *Ṣafāyā* is the plural of *ṣafī*. It is written in *al-Majmaʿ* that *al-ṣafī* refers to what the general of an army chose for himself from the spoils before it was shared out. *Al-ṣafiyah* is a synonym of *al-ṣafī* and its plural is also *ṣafāyā.*

Al-Ṭayyibī says: The *al-ṣafī* share was exclusively his [i.e. the Prophet's] and none of his successors were entitled to it.

The author of *al-Hidāyah* writes: *Al-ṣafī* was part of the spoils such as a shield, a sword or a slave girl, which the Prophet (ṣ) used to choose for himself. This was abolished after his demise because he was entitled to it on account of his office of apostleship and there was no apostle after him.

Al-ʿAynī remarks: It is for this reason that the rightly guided caliphs did not take it.[1]

From these citations, it is evident that *al-ṣafī* did not only consist of what the Apostle of God (ṣ) used to select from the spoils of a war, that was waged on enemy territory, whether he took part or not. It included as well, the properties he acquired, whose owners were frightened into flight without military engagement. Those properties included the lands of Banu'l-Naḍīr, Khaybar and Fadak, as we have seen in the aforementioned narration of ʿUmar ibn al-Khaṭṭāb. However, Sunni jurists restrict the term *al-ṣafī* to what the Prophet (ṣ) chose from the *khums* of war spoils before it was divided, and most of them hold that *al-ṣafī* was abolished after his death, while a few others maintain that this portion went to the Apostle's family. Among the later group was Abū-Thawr who said: It took the same course as the Prophet's normal share of the spoils.

It was a serious flaw, whether inadvertent or otherwise, for the Sunni jurists to hold that the *al-ṣafī* share was abolished after the Prophet's

1. *ʿAwn al-Maʿbūd*, vol. 8, chapter on land tax, administration and state incomes.

passing away, without adducing any proofs of its annulment. If they rely on the fact that it was the Apostle's exclusive right, they have averred that such rights were transferred to the one who succeeded him as leader, just like in the case of general war spoils (*anfāl*), as the narration they relate on the authority of Abū-Bakr ibn Abī-Quḥāfah demonstrates. Moreover, when he conquered Persia, ʿUmar ibn al-Khaṭṭāb took for himself Chosroes' property as the *al-ṣafī* share. We shall dwell more on this later.

Anfāl is for God and His Apostle

God the Mighty and Sublime says: *They ask you concerning (things taken as) spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle, so be wary of God and settle your differences, and obey God and His Apostle, if you are faithful.* [Holy Qur'ān, Sūrah al-Anfāl, verse 1]

The renowned lexicologist Khalīl ibn Aḥmad al-Farāhīdī says: *Nafl* (pl. *al-anfāl*) means *ghumn* (i.e. gains). It is said: I have given him a *nafl* or a *ghumn*, and the leader has given the soldiers *nafl* when he distributes among them the spoils they have taken. *Nāfilah* denotes supererogatory acts such as alms and other righteous deeds that one performs or gives out over and above what is obligatory.[1]

Another lexicologist, Abū-Manṣūr, says: The comprehensive meaning of *nafl* and *nāfilah* is any addition over and above the basic. The spoils of war have been named *anfāl* (plural of *nafl*) because Muslims have been permitted to take them as a preferment over other nations, for whom unlawful.[2]

Shaykh Fakhr al-Dīn al-Ṭurayḥī says: In the Almighty's words: *They ask you concerning (things taken as) spoils of war (anfāl)*, *anfāl* means *ghanā'im* (i.e. spoils)… *Nafl* means *ziyādah* (increment). *Al-anfāl* is the increment in permissible things God has granted this nation, because spoils used to be unlawful for those before them. In the same vein, the supererogatory prayers are called *nāfilah* because they are an addition apart from the obligatory ones. In this category is God's word: *And We gave him Isaac and Jacob as well for a grandson (nāfilah),* for Abraham had prayed for Isaac (a son) and God answered his prayer and gave him Jacob in addition. This was a favor from God although everything is in fact His favor. The following types of property are also considered part of *anfāl*:

1. *Kitāb al-ʿAyn* 8:325.

2. *Lisān al-ʿArab* 1:671.

whatever is taken from enemy territory (*dār al-ḥarb*) without waging war, all the lands whose owners have left without a fight which the jurists call *fay',* undeveloped lands, forests, valleys, feudal estates of by gone kings, and heirless estates. All these belong to God and the Apostle (and to his successor) who may spend them as he deems fit including on his and his family's needs. *Al-anfāl* [also] refers to spoils that are taken without military engagement, and they belong to God and His Apostle exclusively. Fadak was among the *anfāl*.[1]

From the perspective of Islamic law, numerous narrations convey the meanings of *anfāl.* Nevertheless, scholars have differed with regard to its import. We shall endeavor to reconcile their differences as we recount some of those narrations here.

Muḥammad ibn ʿAlī ibn Muḥammad al-Shawkānī says: A group of the companions [of the Prophet] and the generation that followed (*tābiʿūn*) maintained that *anfāl* belonged exclusively to the Apostle of God (ṣ). No one had a share in it until God revealed the verse: *Know that whatever thing you may come by, a fifth of it is for God...* Then He commanded them to fear God, settle their differences, obey the commands of God and the Apostle (ṣ) in full submission and eschew their disagreements. Then, He concluded with the unmistakably impelling tone: *if you are faithful*; that is, obey these three commands if you have faith in God.

Al-Shawkānī adds: Aḥmad ibn Ḥanbal, ʻAbd ibn Ḥumayd, Ibn Jarīr, Abu'l-Shaykh, al-Ḥākim, Ibn Mardawayh and al-Bayhaqī (in his *Sunan*) have reported that Abū-Umāmah said: I asked ʿUbādah ibn Ṣāmit about the *anfāl*. He replied, "The verse (i.e. Qur'ān 8:1) was revealed concerning us, the combatants in the battle of Badr. When we disputed among ourselves and behaved improperly with regard to the *anfāl*. God took it away from us and gave it to the Messenger (ṣ), and he distributed it among the Muslims."

He also said: Ibn Jarīr, Ibn al-Mundhir, Ibn Abī-Ḥātim, Ibn Mardawayh and al-Bayhaqī have reported that Ibn ʿAbbās has commented on God's word: *They ask you concerning (things taken as) spoils of war (anfāl)*, saying: *Anfāl* means *maghānim* (war spoils).They used to be the exclusive property of God's Apostle (ṣ) and no one was entitled to anything thereof. Whatever he came by, from the expeditions that the Muslims carried out, was taken to him, and if anybody kept as much as a needle or a piece of thread from it, his action was considered an act of misappropriation. Then

1. Majmaʻ al-Baḥrayn 4:355.

they requested the Apostle of God (ṣ) to give them some of it, so God revealed: *and obey God and His Apostle, if you are faithful.* Thereafter, God revealed the verse: *Know that whatever thing you may come by, a fifth of it is for God*, in which He divided that one fifth among the Apostle (ṣ), the relatives, the orphans, the poor and the migrants in the way of God. Then He apportioned the remaining four fifths to the people, sharing them equally among them: one share for a foot soldier, one share for a mounted soldier and two other shares for him on account of his warhorse.[1]

The scholars' assertion that the Apostle of God (ṣ) distributed the spoils among the Muslims means that God granted all the spoils to His Apostle (ṣ), so they were all exclusively his possession, which he spent as he wished. Thus, he gave out, what he took at Badr, to the Muslims as a favor rather than as an obligation.

Ismāʿīl ibn Yaḥyā al-Māzinī reported that al-Shāfiʿī said: He did not distribute the spoils of the War of Badr except after reaching one of the mountain passes in the vicinity of Badr. When the Prophet's companions disputed with one another concerning the spoils, God the Exalted revealed: *They ask you concerning (things taken as) spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle so be wary of God and settle your differences*. So, the Prophet (ṣ) distributed the spoils among them as a favor from him, and he included eight of the Migrants and Helpers who were in al-Madīnah (i.e. they did not take part in the battle).

However, the verse: *Know that whatever thing you may come by a fifth of it is for God and the Apostle*, was revealed after the encounter of Badr, and we are not aware of any instance subsequent to its revelation, when he gave a share to anyone who did not participate in battle. Whatever he awarded those whose hearts were reconciled (*al-mu'allafatu-qulūbuhum*) or any other group, was from his possessions, and not from the four-fifths of the spoils.[2]

Sunni scholars have differed seriously with regard to the nature and sources of the spoils of war (*anfāl*) as we have seen from the foregoing. The cause of these differences was the contradictory narrations that have been handed down to them concerning the procedures of the Apostle of God and those of the caliphs and generals of the Muslim armies on this

1. *Fatḥ al-Qadīr* 2:283, 284.

2. *Mukhtaṣar al-Māzinī* pg. 271, Dār al-Maʿrifah ed. Beirut; Al-Shāfiʿī, *Kitāb Al-Umm* 7:354.

issue, coupled with the ambiguity surrounding what constituted the sources of *anfāl*. Another reason for their disagreement was confusing the various types of *anfāl* with that which was the Apostle's right by God's decree. They confused what he voluntarily granted to his community, from his own possessions, with what was the right of the Muslim warriors of the spoils, which they took after engaging the enemy on the battlefield. However, the Sunni scholars are unanimous on the fact that God had decreed that *anfāl* was exclusively His Apostle's and he could spend it as he wished, based on the provision in the verse: *They ask you concerning (things taken as) spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle*, so what God has decreed as a right for His Apostle remains a standing rule. Therefore, what he used to give from the *anfāl* to his companions and to others was not out of obligation; he reserved the right to give it out lavishly or otherwise, to whomsoever he wished, as *he* deemed expedient.

It is striking that one cannot find a clear definition and a full exposition on the prescribed sources of *anfāl* in the writings of Sunni scholars. Indeed, they hold contradictory views: Some claim that the verse of *anfāl* was abrogated after the battle of Badr. Others hold that it pertains to specific aspects of the spoils. A third group said it covers everything, and a fourth avers that this law was abolished on the death of the Prophet (ṣ). A fifth maintains that his successor had the prerogative to exercise independent judgment (*ijtihād*) in the matter, while a sixth disapproves of *ijtihād* in it.

Abū-Dāwūd relates that Yaḥyā ibn Ḥamzah said: I heard Abū-Wahab saying that he heard Makḥūl saying: I was in Egypt, a slave to a lady from the tribe of Banū-Hudhayl and she freed me. I did not leave Egypt, where there was much learning until I absorbed it and added it to what I already knew. Then I went to al-Ḥijāz (where there was knowledge) and did not leave it until I added it to what I knew. Then I went to Iraq and did not leave it until I absorbed the knowledge that it possessed. Then I went to Syria and sifted the learning that was there. Throughout that period, I kept on enquiring about war spoils (*nafl*) but could not find anyone who would tell me anything about it until I met an old man by name Ziyād ibn Jāriyah al-Tamīmī. I asked him whether he had heard anything concerning the *nafl*, upon which he replied: I have heard Ḥabīb ibn Muslimah al-Fihrī saying: I have witnessed the Prophet (ṣ) distributing a quarter of the spoils in the beginning and a third on returning.[1]*

1. *Sunan Abī-Dāwūd* 1:624; al-Ḥākim, *Al-Mustadrak* 2:133; Al-Bayhaqī, *al-Sunan al-Kubrā* 6:313; Ibn ʿAsākir, *Tārīkh Dimashq* 7:13; *Siyar Aʿlām al-Nubalā'*

Thus, al-Fihrī knew nothing about *anfāl* except that he had witnessed the Prophet (ṣ) granting a quarter of it on commencement of battle and a third on returning. And this has nothing to do with the meaning of *anfāl* or its prescribed sources; it only informs us that the Prophet (ṣ) had given the soldiers part of the spoils as a favor, and that was a grant from his personal possessions from which he could give out as he wished. That action of his followed no specific rule, for he could have given out less than a quarter or more than a third, or nothing at all.

When Mālik ibn Anas was asked whether the *nafl* was part of the general war spoils, he answered: It depends on the opinion of the ruler. In our view, there is no established rule concerning it apart from the caliph's opinion. I have not heard that God's Apostle (ṣ) gave the soldiers from the *nafl* in all of his military expeditions. I have heard that he did that in some of them, such as the battle of Ḥunayn, but that was an instance of the ruler exercising his prerogative with regard to disbursing the first part of the spoils to be taken, as well as subsequent parts![1]

Of Mālik ibn Anas and those who share his opinion, one may ask: Was any part of *anfāl* the right of anyone apart from God and His Apostle (ṣ) for a ruler to exercise his independent judgment on the matter?

The Apostle (ṣ) had indeed given out part of the *anfāl* which was his entitlement, sometimes a quarter, sometimes a third, and sometimes he gave out nothing, but the caliph had no right in the *anfāl,* much less the prerogative of giving it out as the Apostle (ṣ) used to. Whoever claims that it was the caliphs' entitlement would have to support his claim with citations from the book of God or the precepts of the Prophet (ṣ).

Ibn Jarīr al-Ṭabarī relates that al-Qāsim ibn Muḥammad reports: Ibn ʿAbbās has said that whenever ʿUmar was asked about anything he would answer, "I will neither command you nor prohibit you."

Ibn ʿAbbās added: By God, God did not send forth His Prophet (ṣ) but to bid and forbid, to declare what was lawful and what was prohibited.

Thereafter, a man was forced to ask Ibn ʿAbbās about the *anfāl*. He replied:

5:155,571; Al-Nawawī, *Al-Majmū'* 19:351.

∗That is, during military expeditions, the Prophet (s) gave the soldiers who undertook the first advance on the enemy a quarter of the first spoils they took after that encounter, and to those who engaged the enemy as the army returned home, he gave a third of the spoils taken from those skirmishes. *Lisān al-'Arab.*

1. Mālik, *Al-Muwaṭṭa'* 2:456.

A man (i.e. a Muslim soldier) would be given the horse and arms of another (from among the vanquished forces). The man repeated his question and Ibn ʿAbbās repeated the same answer. Then he repeated the question again, upon which Ibn ʿAbbās became angry and said, "Do you know what kind of person this man is? He is like Ṣubaygh,[1] whom ʿUmar beat up till his blood flowed down his feet."

Thereafter, the man said, "As for you, God has punished you through ʿUmar."[2]

Ibn Kathīr says: This is a veritable attribution to Ibn ʿAbbās, of the interpretation of *nafl,* as that portion of the spoils that the vanquished were plundered of, which the ruler gave to some individuals after distributing the main part, and this is the meaning of *nafl* that readily comes to the minds of many jurists. God knows best.[3]

So, Ibn ʿAbbās also did not know anything about *anfāl,* except that *the horse was part of nafl and the plunder was part of nafl*.[4]

It is evident from this narration that the man was asking Ibn ʿAbbās the meaning of the *anfāl* about which God had said: *"They ask you concerning (things taken as) spoils of war (anfāl)*," and the answer of Ibn ʿAbbās did not correspond to the question, otherwise the man would not have repeated his question till Ibn ʿAbbās became annoyed. Why did Ibn ʿAbbās not answer a man who was only enquiring about his religion, but get enraged and even threaten him?

From al-Qāsim's remark, it can be gathered that, for one reason or the other, it was such a risky business to talk about the *anfāl* that even people of Ibn ʿAbbās's stature would become uneasy and decline to give the right responses when they were asked.

Perhaps, one of the reasons why the authorities would not allow the people to be acquainted with the meaning of *anfāl*, which was the exclusive

1. This man was Ṣubaygh ibn ʿAsal who came to al-Madīnah full of enthusiasm for learning the Qur'ānic sciences. He used to ask the companions of the Prophet about the meanings of Qur'ānic verses until ʿUmar prohibited him from doing so and hit him with two stalks of dates on the head until he bled. Then, in accordance with his policy, ʿUmar forbade the man from asking questions in future.

2. *Jāmi' al-Bayān* 9:226; *Tafsīr al-Qur'ān al-'Aẓīm* 2:293.

3. *Tafsīr al-Qur'ān al-'Aẓīm* 2:293.

4. The sources mention another narration in which Ibn ʿAbbās gave that answer.—*Translator.*

entitlement of God's Apostle (ṣ), was the need to cover those among the first three caliphs and subsequent Umayyad kings who had appropriated it. Perhaps the aforementioned question was asked during the rule of ʿUthmān ibn ʿAffān or Muʿāwiyah ibn Abī-Sufyān, and God knows best.

Ibn Abī-Shaybah al-Kūfī relates that Muḥammad ibn ʿAmr said: Abū-Salamah, Yaḥyā ibn ʿAbd al-Raḥmān and ʿAbd al-Malik ibn al-Mughīrah once discussed the issue of *anfāl* in my presence [without reaching a conclusion], so they sent it to Saʿīd ibn al-Musayyib asking him about it, but the envoy returned and said that he had refused to give any answer. Later, Saʿīd sent them his servant with the message: "You have sent to me asking about *anfāl*. You should know that there is no *anfāl* after the passing away of the Apostle of God (ṣ)."[1]

Thus, Saʿīd ibn al-Musayyib would not entertain any question and he even silenced the inquirers by saying that there was no *anfāl* after the passing away of God's Apostle (ṣ).

Mālik's words suggest that the *anfāl* has been abolished on the death of the Apostle of God (ṣ). It also implies that he held the view that it was allocated to the Apostle (ṣ) alone. Mālik says: The Apostle of God (ṣ) used to divide the spoils only after the fire of battle had subsided. He would say, "Whoever kills an adversary and brings forward legal evidence to that effect is entitled to plunder him." [However] I am not aware that he maintained that rule or applied it after the battle of Ḥunayn, and we have a good example in the Apostle of God (ṣ). So how can one hold a view which contradicts his words and precepts? Had the Prophet (ṣ) prescribed (the dividing of spoils) subsequent to the battle of Ḥunayn and acted accordingly his action would have constituted a standing rule about which no one would have a say. [Moreover,] Abū-Bakr used to despatch armies after the demise of the Prophet (ṣ) and we have not heard that he ordered the distribution of spoils or did that himself, nor that ʿUmar who succeeded him did so.[2]

Mālik's assertion is incorrect. ʿAbdullāh ibn Qudāmah says: Al-Athram has reported that Jarīr ibn ʿAbdullāh al-Bajalī has said that when he and a group of his people visited ʿUmar, the latter said to him, "Will you march to al-Kūfah and have a third of everything taken as spoils, lands or otherwise, after deducting the *khums* [i.e. a fifth]?"

1. *Al-Muṣannaf* 8:519.

2. *Al-Mudawwanah al-Kubrā* 2:31.

Ibn Mundhir also relates this saying of ʿUmar. Ibrāhīm al-Nakhaʿī says: He [i.e. ʿUmar] gives the participants in military expeditions a third or a quarter of the spoils in order to please them. As for the claim of ʿAmr ibn Shuʿayb, Makḥūl refuted his claim that the *anfāl* was abrogated after the passing away of the Holy Prophet (ṣ), providing as evidence the report of Ḥabīb ibn Maslamah in which he said, "You were distracted by eating raisins in al-Ṭā'if." And whatever right the Prophet (ṣ) was entitled to, the caliphs after him enjoyed the same, so long as there was no proof to the effect that it was specific to him.[1]

Concerning the view that the verse of *anfāl* was abrogated, al-Shawkānī reports from Ibn Abī-Shaybah, Ibn Jarīr and al-Naḥḥās (in *Al-Nāsikh*), that Mujāhid and ʿIkrimah have said: The *anfāl* was for God and the Apostle (ṣ) until it was abrogated by the verse of *khums*: *Know that whatever thing you may come by, a fifth of it is for God and the Apostle*…[2]

However, many scholars both earlier and later ones have strongly expressed the opposite and even considered the verse of *anfāl* to be among the verses of the Qur'ān with perspicuous meaning (*muḥkam*).

Jamāl al-Dīn ibn ʿAbd al-Raḥmān ibn al-Jawzī says: Scholars have differed with respect to the first verse: *They ask you concerning (things taken as) spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle*.

Some are of the view that it was an abrogating verse in one respect and, an abrogated in another, because the taking of spoils had been prohibited in the religious codes of earlier prophets. Later, God withdrew that prohibition with the afore-mentioned verse and vested its administration in the Prophet (ṣ) so that he might dispose of it as he wished. Thereafter, the verse: *Know that whatever thing you may come by, a fifth of it is for God and the Apostle*, abrogated the earlier one.

Ismāʿīl ibn Aḥmad informed us that Jābir has related that Mujāhid and ʿIkrimah have said that the spoils were for God [alone], then He later changed that with the verse: *Know that whatever thing you may come by, a fifth of it is for God and the Apostle*.

Al-Suddī also shares this view.

Others scholars hold that *anfāl* denotes two things: (1) What the Prophet (ṣ) earmarks for the valiant who make up the vanguard of the army to

1. *Al-Mughnī* 10:410.

2. *Fatḥ al-Qadīr* 2:285.

arouse their sincere conduct and incite them for battle, and (2) what remains of the spoils after distribution as is reported from Ibn ʿUmar who said, "The Apostle of God (ṣ) sent us on a military expedition in which we came by some camels as spoils, each one of us taking twelve and [when we returned] he gave us a camel each."

Therefore, the verse is *muḥkam* and its ruling remains to this day. It is amazing that anyone should claim that it was abrogated. The utmost that could be implied was that *anfāl* was the possession of God and the Apostle (ṣ) and it was they who could decide on it, and the matter was decided by the verse of *khums*. If what is intended was to distribute the spoils among the troops as he deemed fit, this injunction is still in force, so there is no question of abrogation. A verse cannot be abrogated unless the injunction it carries is revoked and the injunction this particular verse conveys has not been terminated, so how can the claim of abrogation hold? Abū-Jaʿfar ibn Jarīr al-Ṭabarī also held similar views to what I have mentioned.[1]

These scholars are also unanimous on the fact that God the Exalted bestowed the *anfāl* on His Prophet (ṣ) exclusively, and that it went to his successor. Sunni jurists also have accepted this fact although we differ as to who was meant by the Prophet's successor. According to our belief, the successor is appointed by divine decree (*naṣṣ*), while the Sunnis hold that he is elected by the people. Therefore, according to the Shīʿah doctrine, *anfāl* passes on to the testamentary legatees (*awṣiyā'*) of the Apostle (ṣ), who succeed him after he dies. Its sources are known to him and to the Imams (i.e. *awṣiyā'*) of the Ahl al-Bayt (ʿa). The fact that some people among the Muslim community are ignorant of the meanings of *anfāl,* and the things that constitute it, does not change the reality at all.

The View of the followers of the Ahl al-Bayt about Anfāl

Shaykh al-Mufīd says: The *anfāl* was the Prophet's exclusive possession while he lived and after his death it passed on completely to the Imam who succeeded him. God the Exalted and Sublime says: *They ask you concerning spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle so be wary of God and settle your differences, and obey God and His Apostle, if you are faithful.*

What the Apostle (ṣ) owned in that regard passed on to his successor who occupied his position in the community after him. *Anfāl* denotes all lands that are acquired without military combat, wastelands, estates, whose

1. *Nawāsikh al-Qur'ān* pg. 164.

owners had no heirs from their families or relatives, forests, seas, desert lands, mines and feudal estates of kings.

Imam al-Ṣādiq (ʿa) is reported to have said: "We are a people for whom God the Exalted has prescribed obedience in the Qur'ān. The *anfāl* is ours, and so is the choice portion (*ṣafw*) of wealth."

By choice portion, he meant what the leader desires of the spoils and picks before their distribution. It could be a fair slave girl, a swift horse, a fine garment, a male slave, or some articles and the like, as is depicted in the narrations that are related on the authority of the Imams (ʿa). No one has the right to dispose of any of the things we have mentioned as part of *anfāl* except with the permission of the just Imam. He who administers it by his permission can spend four fifths of it and set aside one fifth for the Imam, but he who does so without the Imam's leave is considered an uncommissioned agent just like in the case of other properties.[1]

Sayyid al-Murtaḍā says: The choice portions of wealth which are taken from the spoils are exclusively for the Prophet (ṣ) and the Imam. That is, anything the Prophet (ṣ) or the Imam who succeeds him would choose for himself of the spoils before their distribution, such as a fair slave girl, a swift horse or a splendid garment, would be his own. And the proof for this opinion is the aforementioned juridical consensus (*ijmāʿ*).[2]

Shaykh al-Ṭūsī says: The *anfāl* was the exclusive possession of the Apostle of God (ṣ) during his lifetime and of the one who succeeded him in administering the affairs of the Muslims after him. The things that constitute *anfāl* are all desolate lands deserted by their inhabitants, all lands that are taken without military action, mountain tops, valleys, forests, wastelands that have no owners, choice properties and feudal estates that kings once possessed not by way of usurpation, and the estates of people who die heirless.

Shaykh al-Ṭūsī adds: The Prophet (ṣ) and his successors were also entitled to the following items from the spoils before they were divided: a fair slave girl, a swift horse, a splendid garment, and such other things of distinction whether slaves or wares. If a group of people, without the Imam's command, fights non-Muslims, with whom the Muslim community has no peace treaty (*ahl ḥarb*), the spoils they gain will be exclusively the Imam's. No one has the right to dispose of the Imam's entitlements of *anfāl* and

1. *Al-Muqniʿah* pg. 278.

2. *Al-Rasāʾil* 1:228.

khums except by his permission and whoever disposes of or conducts some transaction on anything of that kind without his permission is considered to have committed an infraction, and whatever gain that may accrue thereof, is for the Imam. If one disposes of those entitlements by his order, the disposer will be under obligation to pay the part on which the Imam has agreed with him, be it a half, a third or a quarter.[1]

In his commentary of the Qur'ān, al-ʿAyyāshī relates that Bashīr al-Dahhān said: I have heard Abū-ʿAbdullāh (ʿa) saying: "In His book, God has enjoined obedience to us, on the people, so let them not listen to ignorant assertions. The choice portion (*ṣafw*) of wealth is ours, the *anfāl* is ours and so are the precious things of the Qur'ān. I do not say that we know the unseen, however, we have the knowledge of the book of God, and the book of God encompasses all things. Surely, God has taught us a form of knowledge which no one besides Him imparts, and [He has also taught us] another form which He had imparted on His angels and apostles, for whatever He taught His angels and apostles is also known to us."[2]

It is related that Abu'l-Ṣabbāḥ al-Kinānī said: Abū-ʿAbdullāh (ʿa) said: "O Abu'l-Ṣabbāḥ! We are a people for whom God has enjoined obedience. We have the *anfāl*, we have the prized possessions, we are the people well grounded in knowledge, and we are the envied ones of whom God says in His book: *Or do they envy the people for what God has given them out of His grace?*"

It is related that Muḥammad ibn Muslim said that he heard Abū-Jaʿfar (ʿa) saying: "*Fay'* and *anfāl* are the spoils that came from a land on which blood has not been spilled [such as is taken] from a people who have agreed to a treaty or from a people who have submitted voluntarily. Conquered wastelands and valleys are all part of *fay'*. All these are for God and the Apostle (ṣ), and that which was for God was in fact the Apostle's, who could spend it the way he wished and after his demise it went to the Imam."

It is related that Abū-Baṣīr said: I have heard Abū-Jaʿfar (ʿa) saying: "*Anfāl* is ours."

I asked him what *anfāl* was, upon which he replied, "It includes mines and forests, all lands without a landlord and all lands that are deserted by their inhabitants are ours."

1. *Al-Nihāyah* pg.199; *Al-Mabsūṭ* 1:263.

2. *Tafsīr al-ʿAyyāshī* 1:16.

In another narration, one of the two previous narrators relates from Abān ibn Taghlib from Abū-ʿAbdullāh (ʿa) who said: "Every property that has no owner and no heir, falls within the purview of this verse: *They ask you concerning (things taken as) spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle…*"

Dāwūd ibn Farqad is related to have said: I said to Abū-ʿAbdullāh (ʿa): "We have heard that the Apostle of God (ṣ) gave to ʿAlī (ʿa) the lands that are irrigated by the Euphrates."

He said, "Yes, and *anfāl* is more than what the Euphrates irrigates."

I asked him what *anfāl* was, and he answered, "Valleys, mountain tops, forests, mines, all lands that are taken without military engagement, all desolate lands that have been deserted by their owners and feudal estates of by-gone kings."[1]

Sayyid al-Ṭabāṭabā'ī writes: *Anfāl* is the plural of *nafl,* and it denotes increment on a thing. It is on this that the supererogatory acts of worship are called *nafl* or *nāfilah*. The word *anfāl* is also used to denote what is called *fay'.* All properties that have no owner, like mountaintops, valleys beds, ruined habitations, settlements, whose inhabitants no longer exist, the estates of people who die without leaving heirs, etc. These properties were additions over and above the people's possessions, so that they were nobody's property. Such properties are for God and His Apostle. *Anfāl* also denotes the spoils of war, as though they were benefits that are gained apart from the real object of waging war, which is to vanquish the enemy. If the adversary is defeated, the aim is attained, and the fighters take the possessions and captives as spoils, in addition, over and above the main purpose of battle.

Al-Ṭabāṭabā'ī adds: The concept of *anfāl* covers general war spoils and *fay'* and, in the context of this verse, it denotes the spoils of war generally, and not only the spoils of the battle of Badr.[2]

The Prophet's Estate in Summary

Abū-Yaʿlā, the judge, summarized the Apostle of God's estate under the following headings. He wrote: The [estates that have been left as] charities by the Apostle of God (ṣ) are a known number, because they were what he

1. *Tafsīr al-ʿAyyāshī* 1:16, 49, 247, 2:47, 48; *Tafsīr Al-Burhān*, the beginning of chapter 8.

2. *Tafsīr al-Mīzān* 9:5.

had left behind at his death. They are eight in number:

One: The first piece of land he acquired was the one which Mukhayrīq the Jew had bequeathed to him from the property of the Banu'l-Naḍīr tribe. Al-Wāqidī relates that Mukhayrīq the Jew, a rabbi of the Banu'l-Naḍīr, embraced Islam on the day of the battle of Uḥud. Mukhayrīq had seven properties: al-Muthayyab, al-Ṣafiyah, al-Dilāl, Ḥusnā, Burqah, al-Aʿwān and al-Mashrabah, and he bequeathed all of them to the Prophet (ṣ) and fought on his side at Uḥud until he was killed.

Two: His piece of land in the property of Banu'l-Naḍīr at al-Madīnah, which was the first property God had bestowed on His Apostle (ṣ). He exiled them from there without spilling their blood, and permitted them to take from their belongings as much as their camels could carry, apart from weapons. Thus they left for Khaybar and Syria and God's Apostle (ṣ) took over their lands except the properties of Yamīn ibn ʿUmayr and Abū-Saʿīd ibn Wahab, for their conversion to Islam prior to the event had preserved for them their entire possessions. The Prophet (ṣ) divided their effects among the earlier Migrants and gave only Sahl ibn Ḥunayf and Abū-Dajānah Sammāk ibn Kharshah from among the Helpers, because the two had complained of poverty. As for the lands, he kept them for himself and they became part of his charities, which he disposed as he wished and provided for his wives from their proceeds. Thereafter, ʿUmar handed their administration to ʿAbbās and ʿAlī.

Three, Four and Five: Three out of the eight fortresses of Khaybar, namely, Nāʿim, al-Qamūṣ, Shaqq, al-Naṭāt, al-Katībah, al-Waṭīḥ, al-Salālim and al-Ṣaʿb ibn Muʿādh's fortress. The first to be conquered by the Apostle of God (ṣ) were Nāʿim, al-Qamūṣ and ibn Muʿādh, in that order. These three were the principal forts of Khaybar that contained the largest amounts of money, food and animals. Then he conquered Shaqq, al-Naṭāt and al-Katībah. The Prophet took these six forts by force and finally al-Waṭīḥ and al-Salālim surrendered after he had besieged them. Of these eight, he kept three for himself, i.e., al-Katībah, al-Waṭīḥ and al-Salālim, the first as *khums* of the spoils, and the other two as that which God has given him as *fay',* for he had taken them through a peace agreement. Thus, these three forts became the exclusive possession of the Apostle of God (ṣ), which he gave out as he wished, and [thereafter] they became part of his charities. Then he divided the remaining five among the soldiers who participated in the expedition.

Six: Half of the Fadak estate: When the Apostle of God (ṣ) conquered

Khaybar, the people of Fadak became apprehensive, so they sent Maḥīṣah ibn Masʿūd as emissary proposing a truce for which they offered him half of their lands and date palm grooves. In this way, half of Fadak became part of his charities, which he allowed them to continue holding for half of its annual produce, while the other half remained their own until ʿUmar exiled them from the land as part of his policy of banishing the dhimmis from the al-Ḥijāz. ʿUmar commissioned Mālik ibn al-Tayhān, Sahl ibn Abī-Ḥathmah and Zayd ibn Thābit to quantify Fadak and [they valued it at 120,000 dirhams out of which] he settled the people for half of the amount i.e. 60,000 dirhams. Thus, half of Fadak remained part of the Prophet's charities while the other half became public property. However, the two were spent on the same purposes.

Seven: One third of Wādī al-Qirā: A third of it was owned by the Banū-ʿUdhrah tribe, and two thirds by the Jews, with whom the Apostle of God (ṣ) had concluded a truce, for which they surrendered half of their portion. So, he took possession of a third of the lands and Banū-ʿUdhrah kept their own portion. When ʿUmar banished the Jews, he appraised their holdings at 90,000 dinars and paid them the amount. Then he offered to turn over half of those properties to Banū-ʿUdhrah if they would reimburse half the amount he had paid the Jews, so they gave 45,000 dirhams and in this way, their possessions in Wādī al-Qirā increased to a half. As for the other half, one third was the Apostle of God's (as we have mentioned before) and it fell under the title of his charities, while one sixth became public property, although, both were managed for the same purposes.

Eight: A place called Mahzūr in the market of al-Madīnah. Marwān ibn al-Ḥakam requested it from ʿUthmān [when he was caliph] as a feudal title, and he obliged him, an act that earned ʿUthmān public criticism. It is probable that the deed was not a feudal title proper, but rather some right of usufruct, by which Marwān was put under some liability, so that the contract may be considered to have had a semblance of permissibility.

Concerning other charities of the Prophet apart from these eight, al-Wāqidī writes: The father of the Apostle of God (ṣ), ʿAbdullāh, bequeathed to him Ummu-Ayman, the Ethiopian lady, whose first name was Barakah, five camels, a herd of sheep (or goats), his slave Shaqrān, together with his (Shaqrān's) son Ṣāliḥ, who fought in the battle of Badr. He also inherited the house of his mother Āminah bint [i.e. the daughter of] Wahab in which he was born. The house was situated in the Shiʿb Abī-Ṭālib quarter of Makkah. He also inherited from his wife Khadījah bint Khuwaylid her house in Makkah which was situated between the two hills of Ṣafā and

Marwah behind the market of perfume merchants, and he also inherited some money.[1]

Biographers and narrators mention that the Apostle of God (ṣ) had three horses named Lazāz, al-Ẓayrab and al-Lakhīf.[2] The Prophet also had a mule, called Daldal, which was the first mule the Muslims had seen. It was given to him by al-Muqawqaṣ, together with a donkey which was called Ghafīr. The mule survived until the time of Muʿāwiyah.[3]

He also had twenty she-camels whose milk used to sustain his household; each night two large skin containers full of milk were taken to the house. The milk camels included al-Ḥinnā', al-Samrā', al-ʿUraymin, al-Saʿdiyyah, al-Baghūm, al-Yasīrah, and al-Rayyā.[4]

He also had seven sheep: ʿAjwah, Zamzam, Suqyā, Barakah, Warsah, Aṭlāl and Aṭrāf.[5]

The Prophet (ṣ) had a number of swords such as Qalʿiyy, Battār, al-Ḥatf, al-Mikhdham, and Rusūb, which he used in the battle of Badr. As for al-Qaḍīb and Dhu'l-Faqār, he took among the spoils of Badr[6] (not Imam ʿAlī's sword which was also called Dhu'l-Faqār).

He also had some coats of mail, of which one was called al-Saʿdiyyah, another Fiḍḍah, and a third Dhāt al-Faḍl, and a shield.[7]

Finally, the Apostle of God's estate can be summarized as follows:

1. Gifts: The lands the Anṣār (i.e. Helpers) gave him when he migrated to al-Madīnah, and that included all their cultivable lands that were above water level.[8]

2. The seven properties which Mukhayrīq the Jew gave the Prophet (ṣ) before he was martyred at Uḥud. (Mukhayrīq was a Jewish rabbi well-versed in the Torah. He belonged to a family of the Banū-Qaynuqāʿ tribe.)[9]

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1. Abū-Yaʿlā, *Al-Aḥkām al-Sulṭāniyyah* pg.199.
2. *Tārīkh al-Ṭabarī* 3:173; *Al-Ṭabaqāt al-Kubrā* 1:490.
3. *Tārīkh al-Ṭabarī* 3:174; *Al-Ṭabaqāt al-Kubrā* 1:491.
4. *Tārīkh al-Ṭabarī* 3:175; *Al-Ṭabaqāt al-Kubrā* 1:494.
5. *Tārīkh al-Ṭabarī* 3:176; *Al-Ṭabaqāt al-Kubrā* 1:495.
6. *Tārīkh al-Ṭabarī* 3:178.
7. *Tārīkh al-Ṭabarī* 3:178.
8. Abū-ʿUbayd, *Al-Amwāl* pg.282.
9. *Al-Ṭabaqāt al-Kubrā* 1:502; *Al-Aḥkām al-Sulṭāniyyah* pg.169; *Al-Iktilāf* 2:303;

3. The land of the Banu'l-Naḍīr: It consisted of two valleys that sloped from an area of volcanic rocks and from which fresh water flowed.[1]

4. A third of Wādī al-Qirā: Wādī al-Qirā was a string of villages along the road taken by Syrian pilgrims to Makkah which the Prophet had conquered. He took much wealth as spoils and left the date palms and lands in the hand of the Jews on terms similar to those he offered the people of Khaybar.[2]

5. The eighth charity: A place at the market of al-Madīnah that was known as Mahzūr, situated in a valley at the upper area of al-Madīnah that was inhabited by the Banū-Qurayẓah.

6. The land of Khaybar: It consisted of eight strong forts with many farms and palm groves. The Prophet conquered half of them and took over the other half through a peace settlement. He then divided the whole into thirty-six parts and carved up each part into a hundred parcels. The Prophet received eighteen parts and the other eighteen went to his followers who shared them among themselves, preserving for the Prophet (ṣ), a share equal to what each of them took.

7. The land of Fadak: The Prophet (ṣ) gifted his daughter Fāṭimah al-Zahrā' (ʿa) the land of Fadak. Half of it was his exclusive possession because it had been acquired without armed combat. Fadak was a village in the al-Ḥijāz, two or three-day's journey from al-Madīnah, according to different reports. It had a huge annual income ranging from 24,000 and 70,000 dinars depending on yearly fluctuations. In quality, the date palms of Fadak were at par with those of al-Kūfah at the time of Ibn Abi'l-Ḥadīd.[3]

8. He inherited a house from his mother Āminah and another house and some money from his wife Khadījah. He also inherited some property from his father ʿAbdullāh.

In addition, the Prophet left behind, among other things, three horses, a mule, a donkey, twenty milk camels, seven sheep, seven swords, three coats of mail, a shield, some houses in al-Madīnah together with their furniture and his clothes.

The foregoing is a general overview of the huge estate the Apostle of God

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Imtāʿ al-Asmāʿ pg.46.

1. *Majmaʿ al-Buldān*, under the entry *baṭḥān.*

2. *Futūḥ al-Buldān* 1; 39, 40; *Al-Maghāzī* 710; *Imtāʿ al-Asmāʿ* pg. 332.

3. *Muʿjam al-Buldān* 4:238; *Sharḥ Nahj al-Balāghah* 9:5, 17:236.

(ṣ) had left behind, which Abū-Bakr and ʿUmar had appropriated and whose restoration Fāṭimah (ʿa) had demanded of them. The Hāshimites also demanded their right to the *khums*, with the Commander of the Faithful (ʿa) and the Prophet's uncle ʿAbbās ibn ʿAbd al-Muṭṭalib at the forefront. We shall discuss this in detail later on, God willing.

CHAPTER TWO
THE COURSE TAKEN ON THE PROPHET'S ESTATE AFTER HIS PASSING AWAY

The Quraysh confess dispossessing the Relatives of their rights

We have described the immense estate left behind by the Prophet (ṣ) and its sources, now we are going to look at how the Quraysh, at the head of which were Abū-Bakr and ʿUmar, dispossessed the rightful owners of this wealth, that is, the Prophet's Household (ʿa). We will also look at the actions taken by Fāṭimah (ʿa) to retrieve what her father had left behind for her, such as the Fadak estate and the one fifth of the spoils of war. We will also examine how Abū-Bakr and ʿUmar had denied her her right until she died, angry with them.

When Abū-Bakr came to power, he could not find sufficient funds to run his administration. The resources of the Apostle of God (ṣ), which he partly used to spend in running the Islamic government, naturally got transferred to his Household (ʿa) in accordance with Islamic law, because the only heirs to his estate were his daughter Fāṭimah (ʿa), and the other members of his family. Abū-Bakr realized that to leave that estate in their hands would constitute serious danger to his rule, because Fāṭimah (ʿa) could employ it to work for the restoration of the caliphate to the Prophet's Household (ʿa). This possibility became even more pronounced since the members of the Household had refused to recognize Abū-Bakr as ruler, boycotted him, and mounted unrelenting protests with their stance as the wronged party. Therefore, he and his friend ʿUmar decided to take over the Prophet's estate the way they had taken over the caliphate.

Al-Ṭabarānī reports that Zayd ibn Aslam has related from his father who said that ʿUmar ibn al-Khaṭṭāb had said: When the Apostle of God died Abū-Bakr and I called on ʿAlī and asked him: "What is your opinion with regards to what the Apostle of God has left behind?"

"We are closer to the Apostle of God than anyone else," he replied.

Then we asked, "Including the property at Khaybar?"

"Including the property at Khaybar," he replied.

Then we said, "And that of Fadak?"

"And that of Fadak," he replied.

Then I said, "I swear by God [that you will not have your way] until you sever our necks with saws."[1]

A close look at this narration shows that ʿUmar ibn al-Khaṭṭāb had addressed the Commander of the Faithful ʿAlī (ʿa) in a language that was completely devoid of the spirit of Islamic law and ethics, otherwise how can one explain his words: we will never let you have your way until you sever our heads with saws? Does this not show that they were bent on denying the relatives of the Prophet (ṣ) their right from his estate? Is it reasonable to suppose that the Commander of the Faithful (ʿa) would claim what did not belong to him while God Most High testified to his purity and infallibility in His glorious book? The words of the Commander of the Faithful: "We are closer to the Apostle of God than anyone else," allude to the texts of Islamic law, part of which we have cited above.

Thereafter, Abū-Bakr and ʿUmar appropriated the Prophet's estate as a whole, without any legal authority. Abū-Bakr claimed that the Apostle of God was not to be inherited, and whatever he left behind was charity. ʿUwānah ibn al-Ḥakam said that Abū-Bakr gave ʿAlī the Prophet's weapons, riding animal and shoes, and said to him, "Everything else is charity."[2]

Fāṭimah demands her father's estate

When Lady Fāṭimah (ʿa), daughter of God's Apostle (ṣ) and the best of all women of the world, heard that the first caliph had taken over her father's estate she sent a messenger to him and asked him to return her right from the inheritance and other properties.

Abu'l-Ṭufayl said: When the Apostle of God (ṣ) died, Fāṭimah said to Abū-Bakr, "Are you the one who has inherited the Apostle of God's legacy, or his family?"

"Nay, his family," he replied.

Then she said, "So where is the share of God's Apostle (ṣ)?"

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1. Al-Ṭabarānī, *Al-Mu'jam al-Awsaṭ* 5:288; *Majma' al-Zawā'id* 9:39.

2. *Al-Aḥkām al-Sulṭāniyyah* pg. 171; *Al-Amwāl* pg. 186.

Abū-Bakr replied, "I have heard the Apostle of God (ṣ) say: 'When God the Mighty and Sublime bestows a gift to a prophet and then cause him to die, He transfers it to his successor.' Therefore, I decided to restore it (i.e. the Prophet's share) to the treasury."

Thereupon, Fāṭimah said, "You know best what you have heard from the Apostle of God (ṣ)!"[1]

Indeed, Abū-Bakr and ʿUmar had made up their minds on appropriating the right of the Ahl al-Bayt (ʿa) because of certain reasons as can be seen in the exchange between them and the Commander of the Faithful (ʿa). The argument of the Ahl al-Bayt (ʿa) was indeed a cogent one. Their proofs were rooted in the Book of God and the Traditions of His Apostle. As Abū-Bakr was aware that his stand was clearly incongruous with those texts, he found himself in great difficulty, and always gave contradictory pretexts for his action. For God's sake, see the answer he gave Fāṭimah (ʿa) when she asked whether he was the heir of the Prophet (ṣ) or she and the Prophet's family. He answered that it was they. Was this not a confession that Fāṭimah (ʿa) had inherited from her father just as Abū-Bakr's children and family would inherit from him after his death? So why did he refuse her the inheritance from her father, the Apostle of God (ṣ)?

As for his assertion, that he had heard the Apostle of God (ṣ) saying, "When God the Mighty and Sublime bestows a gift to a prophet and then causes him to die, He transfers it to his successor." It can be refuted from several angles.

One: The Apostle of God (ṣ) assigned the said gift to his rightful successor, and Abū-Bakr usurped authority from the man who would have legally exercised it. The people's oath of allegiance to him was a hasty affair, as his friend ʿUmar and senior Migrants and Helpers later admitted, so how could he have disposed of the Prophet's estate (ṣ) without the consent of its legal owners?!

Two: The Apostle of God (ṣ) had appointed ʿAlī, the Commander of the Faithful (ʿa), as his successor and legal ruler over the community at Ghadīr Khumm. As such, Imam ʿAlī (ʿa) was more entitled to dispose of the Prophet's estate, and the Ahl al-Bayt (ʿa) did not demand more than that.

Abū-Bakr said to Fāṭimah (ʿa): "The Prophet had assigned the

1. *Musnad Aḥmad* 1:4, 14; Abū-Dāwūd, *Sunan* 3:50; Al-Dhahabī, *Al-Tārīkh* 1:347; *Tārīkh Ibn Kathīr* 5:289.

administration of the estate to his successor (as should have been the case had Imam ʿAlī (ʿa) assumed the mantle of leadership), but since he had been displaced from his position and I have replaced him, I have decided to restore the properties to the treasury."

Then Fāṭimah (ʿa) responded by way of disapproval and remonstration: "You know best what you have heard from the Apostle of God!"

If one can affront the Prophet (ṣ) himself by attributing a fabricated saying to him without having the fear of God, then he cannot be expected to respect anyone else, whoever that might be. This was why Fāṭimah (ʿa) breathed her last while still resentful of Abū-Bakr and his supporters.

Fāṭimah and her husband meet Abū-Bakr to demand her right

Reports show that Fāṭimah (ʿa) had demanded her right several times. She had conveyed the matter to Abū-Bakr, and then, went herself with her husband and his uncle ʿAbbās.

Ibn Sa'd writes in his *al-Ṭabaqāt* that Fāṭimah (ʿa) called on Abū-Bakr asking for her inheritance and ʿAbbās ibn ʿAbd al-Muṭṭalib also did the same, with ʿAlī accompanying them.

Abū-Bakr said, "The Apostle of God has said, 'We are not to be inherited from and whatever we leave behind is charity.' I undertake to provide for all his dependents."

Then ʿAlī (ʿa) recited [from the Qur'ān]: *Solomon inherited from David*, [Sūrah al-Naml, verse 16] and: *…who may inherit from me and inherit from the House of Jacob…* [Sūrah Maryam, verse 6]

Abū-Bakr responded by saying, "Thus it is, and you surely know what I know."

ʿAlī (ʿa) said, "This speech is from the book of God."

Then they held their tongues and went away.[1]

By invoking the Qur'ān, the Commander of the Faithful (ʿa) had indeed silenced Abū-Bakr, who responded saying, "Thus it is," as if he was saying, "This is my final opinion on the matter and I will never change my mind despite the clear verses of the Qur'ān which prove that the prophets

1. *Al-Ṭabaqāt al-Kubrā* 2:315; *Kanz al-'Ummāl* 5:365; *Subul al-Hudā wa'l-Rashād* 12:370.

used to be inherited from. By God, you know what I know; you know that I cannot let you have the Prophet's estate."

When Fāṭimah (ʿa) and ʿAbbās saw that the Commander of the Faithful (ʿa) did not argue further, they followed suit and they all went away.

Anas ibn Mālik relates that Fāṭimah (ʿa) went to Abū-Bakr and said to him, "You know what wrong you have done us, the Ahl al-Bayt (ʿa), with regard to the charities and the share of the Relatives which God had bestowed on us from the spoils as mentioned in the Qur'ān."

To support her position, she cited God the Exalted, "*Know that whatever thing you may come by, a fifth of it is for God and the Apostle and, for the relatives, the orphans, the needy and the traveler*…"

Abū-Bakr replied saying, "May my father and mother be your ransom and the ransom of your father and your children! We are in complete obedience to the book of God, and we respect the rights of the Apostle and his kinsmen. I read the book of God which you are citing, but my knowledge thereof is short of seeing how this share of the spoils is supposed to be given entirely to you."

"Is it then for you and your relatives?" Fāṭimah said.

"No." Abū-Bakr replied, "However, I will spend part of it on your needs and the rest on the public good."

Then she said, "This is not in accordance with God's law."[1]

In this narration, you find that the caliph admitted to the Ahl al-Bayt's right to the share of the Relatives from the spoils in these words: "But my knowledge thereof is short of seeing how this share of the spoils is supposed to be given to you entirely."

However, he wanted to hand out to them from it what *he* deemed proper and not what the law prescribed! Therefore, Fāṭimah (ʿa), the truthful and trustworthy, accused him of acting unjustly towards the Ahl al-Bayt (ʿa).

It is amazing why Abū-Bakr should act the way he did and it is equally amazing how his friends defend his actions although he confessed that his opponents were in the right, and that he was committing an infraction! If truly he believed in the deficiency of his knowledge then he should have sought the counsel of the Prophet's companions on the matter, although his

1. *Tārīkh al-Madīnah al-Munawwarah* 1:209; Al-Dhahabī, *Tārīkh al-Islām* 1:347; *Sharḥ Nahj al-Balāghah* 16:230.

contenders the Ahl al-Bayt (ʿa) were the most knowledgeable on the Qur'ān and the Prophetic traditions.

Another allusion to Abū-Bakr's wrongdoing in the aforementioned narration is Fāṭimah's saying, "This is not in accordance with God's law."

The Ahl al-Bayt would accept nothing but their full rights

A close study of the biographies of the members of the Prophet's Household (ʿa) will show that they contested their case and tried to regain their rights intelligently. When Abū-Bakr offered them some part of the Prophet's estate and some of the *khums* they would not accept anything less than their full rights. ʿAbd al-Raḥmān ibn Abī-Yaʿlā said: I met ʿAlī at Aḥjār al-Zayt and said to him, "May my mother and father be your ransom! What did Abū-Bakr and ʿUmar do concerning your share in the *khums*, you the Ahl al-Bayt (ʿa)?"

The Commander of the Faithful ʿAlī (ʿa) replied, "'ʿUmar said [to us], you have a right but should it become considerable I am not sure it can all be yours, so if you like I will grant you from it what *I* deem fit for you. But we refused to take anything but the whole of it, and he refused to give us all of it."[1]

Ibn ʿAbbās is related to have said: The share of *the relatives* is for the relatives of the Apostle of God (ṣ); he was the one who assigned it to them. ʿUmar had once offered it to us but we rejected it when we saw that it was incomplete.[2]

The narrations on this matter imply that dire need had forced some Hāshimites to receive something from the share of the Relatives, but none of the People of the Mantle (i.e. ʿAlī, Fāṭimah, Ḥasan and Ḥusayn) collected anything. This view is corroborated by the narration in which Ibn ʿAbbās is reported to have said, "'ʿUmar used to offer us from the *khums* what he deemed to be our entitlement but we refused it and told him that the right of the Relatives was a whole one-fifth of the *khums*." [On one occasion] he said, "God has prescribed the *khums* for some categories of people whom He has mentioned; so, the happiest with this share are the

1. Al-Shāfiʿī, *Al-Musnad* pg. 187; *Kitāb Al-Umm* 4:156; *Mukhtaṣar al-Māzinī* 151; *Sharḥ Maʿānī al-Athar* 3:238; *Sunan al-Bayhaqī* 6:344.

2. *Musnad Aḥmad* 1:224, 320; *Sharḥ Maʿānī al-Athar* 3:308; *Sunan al-Bayhaqī* 6:345; *Sunan Abī-Dāwūd* 2:51; *Sunan al-Nassā'ī* 2:177; *Kanz al-'Ummāl* 4:517; *'Awn al-Ma'būd* 8:143.

most numerous and the neediest."

Therefore, some of us accepted his offer while others rejected it.[1]

The entitlements of Lady Fāṭimah

The four major financial entitlements of Lady Fāṭimah (ʿa), the daughter of the Prophet (ṣ), are the following:

1. Her portion from her father's estate (and that comprised all the property he had left behind both inside and outside of al-Madīnah, which the Quraysh later called: *the charities of the Apostle of God*).

2. Her entitlement from the fifth of the spoils of war.

3. Her right to Fadak which was a gift.

4. Her right to what remained of the *khums* of Khaybar (which is in fact derived from her right of the *khums* of spoils generally).

These were the four properties appropriated by the first caliph, and for the restoration of which Fāṭimah (ʿa) protested against him. It is reported that Ḥasan ibn ʿAlī ibn Abī-Ṭālib (ʿa) said that Abū-Bakr had withheld from Fāṭimah (ʿa) and the Hāshimites the share of the Relatives and earmarked it for public expenses including the purchase of arms and warhorses.[2]

Lady Fāṭimah demands Fadak

Abū-Saʿīd al-Khidrī is reported to have said: When the verse: *And give the relatives their due,* was revealed, the Prophet (ṣ) called Fāṭimah (ʿa) and granted her Fadak.[3]

At the end of a long narration that al-Bukhārī relates from ʿĀ'ishah, we read: Fāṭimah (ʿa) used to demand from Abū-Bakr her share of the estate of the Apostle of God (ṣ), including the properties in Khaybar, Fadak and his charity at al-Madīnah, but Abū-Bakr would turn down her request.[4]

These reports show that Lady Fāṭimah argued with Abū-Bakr a number of times about the issue of Fadak, her inheritance and her right from the *khums.* The author of *Futūḥ al-Buldān* says: Fāṭimah (ʿa) said to Abū-Bakr, "Give me Fadak for the Apostle of God (ṣ) has assigned it to me."

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1. *Kanz al-ʿUmmāl* 2:305; *Al-Amwāl* pg. 335.

2. Ibn Abi'l-Ḥadīd, *Sharḥ Nahj al-Balāghah* 4:81.

3. *Al-Durr al-Manthūr* 4:177.

4. *Ṣaḥīḥ al-Bukhārī* 4:96.

Abū-Bakr requested witnesses; so, she called Ummu-Ayman and Rabāḥ, the freed slave of the Prophet (ṣ), and they testified to her.

Abū-Bakr said, "This matter requires the testimony of a man and two women."[1]

This verdict was a gross violation of the Prophet's precepts!

Abū-Bakr Aḥmad ibn ʿAbd al-ʿAzīz al-Jawharī related from Abū-Zayd, from Hārūn ibn ʿUmayr, from al-Walīd, from Abū-Luhayʿah, from Abu'l-Aswad, from ʿUrwah who said: Fāṭimah tried to convince Abū-Bakr concerning her right to Fadak and the share of the Relatives but he refused her and, instead, considered them as part of the prosperity of God the Exalted.

Al-Jawharī continues: Abū-Zayd reports from Aḥmad ibn Muʿāwiyah from Haytham, from Juwaybir, from Abu'l-Ḍaḥḥāk from Ḥasan ibn Muḥammad ibn ʿAlī ibn Abī-Ṭālib who said that Abū-Bakr had denied Fāṭimah and the Hāshimities the share of the Relatives and instead set it aside for public expenses, namely, the procurement of weapons and warhorses.

Al-Jawharī adds: Abū-Zayd has informed us from Hārūn ibn Numayr from al-Walīd ibn Muslim, from Ismāʿīl Ibn ʿAbbās, from Muḥammad ibn al-Sā'ib, from Abū-Ṣāliḥ, from the freed slave of Ummu-Hānī who said: After Abū-Bakr was made caliph, Fāṭimah called on him and demanded her inheritance from her father and he refused her.

Then she asked him, "If you are to die today who would inherit your property?"

"My family and children," he replied.

Fāṭimah continued, "Then why should you inherit from the Apostle of God, and not his children and family?"

"I have not, O daughter of the Apostle of God," he replied.

"You have. You took Fadak, which was exclusively his property, and you abolished God's revelation, which He sent from Heaven with regard to our rights," she returned.

Abū-Bakr said, "O daughter of the Apostle of God, I have not. The Apostle of God informed me that God the Exalted grants a prophet some gift which

1. *Futūḥ al-Buldān* 1:35, 113 & 114; *Shawāhid al-Tanzīl* 1:444; *Sharḥ Nahj al-Balāghah* 16:214.

he keeps as long as he lives, but when he dies it is abolished."

Fāṭimah said, "You and the Apostle of God know best! I will never ask you again after today," and went away.

In another version of the report, Abu'l-Ṭufayl says: When the Apostle of God passed away, Fāṭimah went to Abū-Bakr and asked him, "Are you the one to inherit from the Apostle of God, or his family?"

He answered, "No, his family."

Then she said, "Where is the share of God's Apostle [from the spoils of war]?"

Abū-Bakr answered, "I have heard the Apostle of God saying: 'When God grants a prophet some gift and later causes him to die He transfers it to his successor.' Therefore, I decided to return it to the public treasury."

Then Fāṭimah said, "I leave you with what you have heard from the Apostle of God (ṣ)!"

In another version, ʿĀ'ishah said: Fāṭimah talked to Abū-Bakr concerning her inheritance from the Apostle of God, saying, "Will your daughter inherit from you but I not inherit from my father?"

He replied, "May my father be the ransom of you and your father. He used to say, 'We are not to be inherited from; whatever we leave behind is charity.'"

Sunni scholars have related this report with different wordings that convey almost the same meanings. Some of them abridged it while others related it in full.[1]

Lady Fāṭimah (ʿa) said these words to Abū-Bakr out of astonishment, because she had despaired of ever having her rights restored. Because incessant requests, long-drawn-out arguments and complaints were of no avail she saw that there was no use in continuing her pleas against the wish of the caliph and his friends, because no good could be expected from one

1. *Tārīkh al-Madīnah* 1:198 & 211; *Tārīkh al-Ya'qūbī* 2:127; *Musnad Aḥmad* 1:10; *Sharḥ Ma'ānī al-Āthār* 3:308; *Sunan al-Tirmidhī* 3:81; *Sunan al-Bayhaqī* 6:302; *Al-Mu'jam al-Awsaṭ* 4:104; *Musnad Abī-Ya'lā* 1:40, 2:119; *Balāghat al-Nisā'* pg. 14; *Fatḥ al-Bārī fī Sharḥ Ṣaḥīḥ al-Bukhārī* 6:140; *al-Ṭabaqāt al-Kubrā* 2:314; *Tarikat al-Nabī* pg. 81; *Al-Mirwazī*, *Kitāb al-Fitan* pg. 41; *Mu'jam al-Buldān* 4:239; *Al-Mabsūṭ* 12:30; Ibn Kathīr, *Al-Bidāyah wa'l-Nihāyah* 5:311: Ibn Kathīr, *Al-Sīrah* 4:574; *Sharḥ Nahj al-Balāghah* 16:231, 232; *Kanz al-'Ummāl* 5:585, 637 *Fayḍ al-Qadīr* 2:260.

who had the audacity to treat her issue the way he did.

Ummu-Ayman's testimony in favor of Lady Fāṭimah

Before presenting Ummu-Ayman's testimony, as recorded in the books of Sunni scholars, let us briefly mention her biography to be acquainted with her high position. Ummu-Ayman was a freed slave and nursemaid of the Apostle of God (ṣ) since his mother died when he was six, seven or eight years old, and it was Ummu-Ayman who cared for him. Al-Zamakhsharī said that the Holy Prophet (ṣ) considered her his mother because she performed the offices of a child's mother. He would say: "After my mother's death, Ummu-Ayman became my mother."

Her first name was Barakah and she was the mother of Usāmah ibn Zayd. The Prophet (ṣ) had inherited Ummu-Ayman together with five camels and a flock of sheep, and when he married Khadījah, he freed her. Then Ummu-Ayman got married to ʿUbayd ibn Yazīd of the Banu'l-Ḥārith, a branch of the Khazraj clan who died shortly after the inception of the prophetic mission. Ummu-Ayman had borne ʿUbayd one child when he was martyred on the day of Uḥud. Zayd ibn Ḥārithah was Khadījah's slave whom she gave to the Prophet (ṣ) and he freed him. He gave him Ummu-Ayman in marriage after the death of her first husband, ʿUbayd. This second wedlock begat Usāmah ibn Zayd.

When the Holy Prophet Muḥammad (ṣ) was commissioned as prophet, the first person he invited to Islam was Khadījah his wife, then his ward and cousin ʿAlī (ʿa), then his freed slave Zayd, then his servant Ummu-Ayman. When it was time for his migration to al-Madīnah, the Prophet (ṣ) left the things that were in his custody with Ummu-Ayman and asked ʿAlī (ʿa) to return them to their owners. Ummu-Ayman migrated twice (i.e. from Makkah to Abyssinia and then to al-Madīnah), paid the formal allegiance to the Prophet (ṣ) and was honored with the news that Paradise would be her abode in the hereafter. It is reported that the Prophet (ṣ) used to call Ummu-Ayman as his mother and when he gazed at her he would say, "This is the remaining one of my family."

The Prophet (ṣ) used to visit her in her house very often as a token of respect.

Ummu-Ayman was the one who gave the Prophet a roasted fowl wrapped in two flat loaves of bread. It is well known that the Holy Prophet (ṣ) supplicated to God saying: "O God, send me the most beloved to You of all Your creation, that we may eat this fowl together," and Imam ʿAlī (ʿa)

came and ate it with him.

On Fāṭimah's wedding night, Ummu-Ayman acted as her bridesmaid till her husband, the Commander of the Faithful, ʿAlī (ʿa), joined her, and, as a token of his gratitude the Prophet (ṣ) prayed for Ummu-Ayman.

She was the one who prepared and adorned ʿĀ'ishah the daughter of Abū-Bakr on her wedding night before her husband the Apostle of God (ṣ) joined her in her apartment. Ummu-Ayman used to say, "I was ʿĀ'ishah's lady maid."

It was Ummu-Ayman who introduced the use of the bier for women; she had seen this practice in Ethiopia. The reports indicate that the first woman whose body was carried on a bier was Fāṭimah (ʿa).

Ibn Abī-Shaybah al-Kūfī relates that Ṭāriq ibn Shihāb said: Ummu-Ayman, who returned from Ethiopia (where she had migrated), was the first person to suggest that the bier should be used for women.

ʿAbd al-Razzāq relates from Hishām, from Ibn Sīrīn who said: Ummu-Ayman migrated for the sake of God and His Apostle (ṣ) while she was fasting and with no provisions, no baggage camels and no water carriers for the journey through the hot Tihāmah region. She almost died of hunger and thirst when, at the time of breaking the fast, she heard a rustle above her head and when she lifted her gaze she saw a water skin dangling by a white feather.

Ummu-Ayman said, "I took it in my hand and drank to my satisfaction, and after that I did not experience thirst again."

So that we may not digress much let us consider sufficient what we have already mentioned of the story Ummu-Ayman, the lady who took care of the Prophet (ṣ) after his mother's death and became his second mother.[1]

Abū-Jaʿfar Muḥammad ibn ʿAbdullāh al-Iskāfī the Muʿtazilite (died in 220 A.H.) said: The Rāfiḍites (meaning the Shīʿah) oppose your (the Sunnis) assertions with this argument. Why do you accept ʿĀ'ishah's word on the formal prayer and consider her an authority, but reject Fāṭimah's on Fadak,

1. Al-Ṣanʿānī, *Al-Muṣannaf* 4:309, 7:302; *Musnad Aḥmad* 3:212; *Ṭabaqāt al-Kubrā* 8:223; Al-Kūfī, *Al-Muṣannaf* 8:327; *Ṣaḥīḥ Muslim* 5:163, 7:144; *Al-Muʿjam al-Awsaṭ* 2:207; *al-Mustadrak ʿalā al-Ṣaḥīḥayn* 3:132, 4:64; Al-Bayhaqī, *al-Sunan al-Kubrā* 7:93; *Tārīkh Dimashq* 40:25, 864; Al-Nawawī, *Al-Majmūʿ* 4:185; Ibn Qudāmah, *Al-Sharḥ al-Kabīr* 7:280; Ibn Kathīr, *Al-Sīrah al-Nabawiyyah* 4:546; *Fatḥ al-Bārī* 4:268.

even with the testimonies of Ummu-Ayman and ʿAlī ibn Abī-Ṭālib in her favor, when the Prophet had declared that Paradise would be hers? If you argue that the rule governing the fundamentals cannot be established on the strength of a woman's testimony then our response is that this argument applies in the case of religious practices as well. Moreover, if the fact that Abū-Bakr had led the people in prayer [during the lifetime of the Prophet] accorded him seniority over the people he led, then the fact that ʿAmr ibn al-ʿĀṣ had led Abū-Bakr and ʿUmar should have made him superior to the two men. In fact, leading them in prayer should have accorded ʿAmr broad leadership that included leading in prayer and all other matters, since this report that mentions ʿAmr's case is unanimously transmitted. Therefore, none of them can present any genuine reason for preferring Abū-Bakr to ʿAlī.[1]

Al-Ḥākim al-Ḥasakānī writes: In *Futūḥ al-Buldān*, under the section: *The Conquest of Fadak*, page 40, al-Bulādharī writes: ʿAbdullāh ibn Maymūn informs us that al-Fuḍayl ibn ʿAyyāḍ related from Mālik ibn Jaʿūnah, from his father, who said: Fāṭimah said to Abū-Bakr: "The Apostle of God (ṣ) granted me Fadak," and ʿAlī ibn Abī-Ṭālib testified to her. Then he requested for another witness and Ummu-Ayman testified in her favor. Thereafter, Abū-Bakr said, "You know, O daughter of the Apostle of God, that only the testimony of two men or a man and two women is acceptable." So, Fāṭimah went away.[2]

Ibn Abi'l-Ḥadīd the Muʿtazilite writes: Abū-Bakr al-Jawharī relates from Muḥammad ibn Zakariyyā, from Ibn ʿĀ'ishah, from his father, from his father's uncle who said: When Fāṭimah talked to Abū-Bakr (about Fadak), he wept and said to her, "O daughter of God's Apostle, I swear by God that your father bequeathed neither a dinar nor a dirham; he said that prophets do not bequeath anything."

She said, "Fadak has been given to me by the Apostle of God."

"Who will testify to that?" Abū-Bakr asked.

ʿAlī ibn Abī-Ṭālib came forward and testified and Ummu-Ayman did the same. Then ʿUmar ibn al-Khaṭṭāb and ʿAbd al-Raḥmān ibn ʿAwf testified that the Apostle of God used to divide it.

Then Abū-Bakr said, "You have said the truth, O daughter of God's

1. *Al-Miʿyār wa'l-Muwāzanah* pg. 42.

2. *Shawāhid al-Tanzīl* 1:444.

Apostle, ʿAlī has said the truth, Ummu-Ayman has said the truth, ʿUmar has said the truth and ʿAbd al-Raḥmān ibn ʿAwf has also said the truth, and this so, because your property is your father's. The Apostle of God used to take your provisions from the proceeds of Fadak and distribute the rest, part of which went for public expenses. Now what do you intend to do with it [if I should return it] to you?"

"I will spend it as my father used to do," she replied.

"Then trust me, by God, I will administer it the way your father used to do," Abū-Bakr said.

"By God, you will, surely?" she said.

"By God I will, surely."

Then she said, "O God, bear witness!"

From then on Abū-Bakr used to collect its proceeds, give them (Fāṭimah and the other members of the Prophetic family) what would be sufficient for their sustenance, and distribute the rest. ʿUmar, ʿUthmān and ʿAlī also did the same, but when Muʿāwiyah ibn Abī-Sufyān became caliph, he gave out Fadak in feudal titles, one third of it to Marwān ibn al-Ḥakam, one third to ʿAmr ibn ʿUthmān ibn ʿAffān and one third to Yazīd ibn Muʿāwiyah. This took place after the death of Ḥasan ibn ʿAlī (ʿa).[1]

As for the comment of the narrator that Abū-Bakr used to take the proceeds and give them what would cover their needs and distribute the rest, and that ʿUmar and ʿUthmān also did the same, we shall in due course show that Abū-Bakr never kept his word. He had appropriated the entire legacy of the Prophet (ṣ), especially Fadak, under the guise of administrative policy.

Surely, a close look at these reports shows how the Quraysh were bent on denying Fāṭimah the Fadak, which was a gift, her father's legacy, and her portion of the *khums* of spoils, among other things. Indeed, these reports contain cogent arguments if viewed with a disinterested mind. All help is only from God, the Sublime and Exalted.

1. Ibn Abi'l-Ḥadīd, *Sharḥ Nahj al-Balāghah* 16:214, 216.

Rejecting the testimony of Imam ʿAlī was the epitome of disaster

Abū-Bakr rejected the testimonies of Ummu-Ayman and Rabāḥ after he had turned down that of the Commander of the Faithful, ʿAlī (ʿa), alleging that he was feathering his own nest. We have already mentioned how he argued with Abū-Bakr and ʿUmar in the first encounter. In the second one when Fāṭimah and ʿAbbās demanded their rights of Abū-Bakr, ʿAlī argued for their restitution but Abū-Bakr rejected his testimony again.

This was the worst disaster that befell the Islamic nation because this action opened the door challenging the Ahl al-Bayt (ʿa), from whom God removed all forms of filth and purified with a thorough purification, as His book declares. The Apostle of God (ṣ) had indeed coupled them with the Qur'ān and made them leaders of the people with understanding. Abū-Saʿīd al-Khidrī relates that the Apostle of God (ṣ) said: "I am leaving behind two things, if you hold fast to them you will never go astray after me; the book of God which is God's rope that is stretched from the heaven to the earth, and my household, my relatives. Surely the two shall never separate from one another until they meet me at the Pond." This is one out of many versions of a consecutively transmitted narration on this subject.[1]

Thus, to challenge the Commander of the Faithful's testimony is, doubtless, tantamount to challenging both the Prophetic traditions and the *lesser of the two weighty things*; that is the Ahl al-Bayt, for in other versions of the above narration: "*...the two weighty things, one being greater than the other*" is mentioned instead of *the two things* and the book of God was the greater while the Household was the lesser. The Apostle of God has commanded his companions and the rest of his followers to hold fast to the less weighty together with the book of God. Is it then conceivable that the Commander of the Faithful (ʿa) should take a single step in the way of disobedience to God and His Apostle (ṣ)? Of all the Muslims, he was the most pious and indifferent to the world; the most firm concerning God's religion; the most God-fearing and consequently the most cautious in suspicious matters. The Prophet (ṣ) said: "'Alī is with the truth and the truth is with ʿAlī, it turns with him wherever he turns."

Is there a greater testimony than that of God the Almighty and His apostle (ṣ), which attests to the truthfulness of the Commander of the Faithful (ʿa) in those eloquent terms? Therefore, Abū-Bakr's rejection of ʿAlī's

1. *Musnad Abī-Ya'lā* 2:376; *Kanz al-'Ummāl* 1:381; Al-Sarakhsī, *Al-Uṣūl* 1:314.

testimony amounts to a rejection of the testimony of God and His apostle (ṣ) and playing with the provisions of the divine law to induce the Prophet's relatives to forgo their rights. To begin with, how can Abū-Bakr ask Fāṭimah (ʿa) to produce witnesses to prove the possession of something already under her control?

In the Prophetic tradition, it is declared that the plaintiff is to produce witnesses and the defendant is to swear the oath,[1] but Abū-Bakr acted contrary to the Prophet's precept by discarding this legal maxim. He reversed the positions of the litigants; he played the defendant by assuming control over the disputed property and made Lady Fāṭimah (ʿa) look like the plaintiff! In this way, Abū-Bakr reversed the application of the said legal maxim. We will not forget what ʿUmar ibn al-Khaṭṭāb said in the beginning of the tussle when he and his friend Abū-Bakr went to ʿAlī's house; "I swear by God [that you will not have your way] until you sever our necks with saws."

In my conception, it is discernable from the available reports that Abū-Bakr requested witnesses from Fāṭimah (ʿa), the Prophet's daughter, only to cause ambiguity in the issue. As for the Commander of the Faithful (ʿa), he testified in the case only to defend the truth, so that he might succeed in restoring his right and that of his wife. Ummu-Ayman and Rabāḥ had voluntarily testified in support of the Prophet's daughter without anyone asking them for it. However, Abū-Bakr cunningly rejected all those testimonies.

Abū-Bakr took the Prophet's legacy, Fadak, the remnant of the *khums* of Khaybar, as well as other properties, the way he took the caliphate from the Commander of the Faithful (ʿa). He did this not because he was ignorant, or in doubt of Fāṭimah's right, but political considerations had dragged him into infringing on the provisions of Islamic law, as he had done in every issue that could jeopardize his rule. How could he have been unaware of the issue of the endowment while a verse of the Qur'ān: *And give the Relatives their due...*, was revealed in that respect? Abū-Saʿīd al-Khidrī and others are reported to have said that when this blessed verse was revealed to the Apostle of God (ṣ), he gave Fadak to his daughter Fāṭimah (ʿa) and handed it over to her. The Ahl al-Bayt (ʿa) and their partisans are unanimous on this matter.[2] From that time, her agents

1. *Sunan Abī-Dāwūd* 3:419.

2. *Al-Durr al-Manthūr* 4:177.

administered the land of Fadak until the Apostle of God (ṣ) passed away, and when Abū-Bakr took the reins of leadership, he expelled them from the estate.[1]

It was impossible for the Apostle of God (ṣ) to have been negligent in communicating what had been revealed to him from his Lord. If he had endowed a date palm to someone during his lifetime, the story would have spread like wild fire among all his companions, not to speak of the whole land of Fadak whose date palms were comparable to those of al-Kūfah and from which large annual returns accrued. Is it possible that the estate agent of Fadak should not know the landlord who commissioned him or that such immense resources should be disposed of without the disposer or the beneficiary being known? However, the people at the helm would not permit anyone to divulge the truth, an action that could have shaken the very foundations of their regime. It is because of this that those in power gave the people the impression that the caliph knew nothing about the endowment of Fadak and that it was part of *the charities of the Prophet*.

Could the likes of Abū-Bakr be ignorant of the issue of this endowment? Could the affairs of the Prophet's household have been hidden from him while ʿĀ'ishah and Ḥafṣah (the two wives of the Holy Prophet) were present there? Therefore, there is no doubt that Abū-Bakr and most companions knew that the Prophet (ṣ) had granted Fadak to his daughter Fāṭimah (ʿa) but they pretended otherwise, just as they pretended ignorance of the pronouncements concerning the succession.

Thus, they usurped the right of succession the way they usurped the legacy of the Prophet and the *khums*, including the Khums of Khaybar. Both friend and foe knew that when Fāṭimah (ʿa) demanded her right, Abū-Bakr told her that he had earmarked it for warhorses and arms!

The Commander of the Faithful (ʿa) said: "Some souls covet it [i.e. power] while others readily do without it."

Thus, the Ahl al-Bayt (ʿa) knew that those in power were bent on usurping their rights, and so did their partisans; on the other hand, the opponents of the Ahl al-Bayt (ʿa) also knew that Fadak was the property of Fāṭimah, her husband and her children (ʿa), and that she needed neither proof nor witness. Would the testimony of the entire Muslim nation have sufficed where that of God and His Apostle (ṣ) was rejected by rejecting the testimony of the Ahl al-Bayt (ʿa)? The mere demanding of their rights by

1. *Al-Durr al-Manthūr* 4:177.

the People of the Mantle precluded any need for witnesses, for him who believed in God, His Apostle and the Last Day. This is because God the Glorious and Exalted had purified them together with His Prophet (ṣ) and made them witnesses over the people, and the Apostle (ṣ) had commanded his followers to obey them as leaders of religion and avoid defying and offending them. It is not permissible to seek to have the upper hand when dealing with them by ascertaining their claims through testimonies, oaths and proofs because they have been set apart from the rest of the people by virtue of clear provisions of the law. The integrity and purity of the Ahl al-Bayt (ʿa) was like that of the Prophet (ṣ), with no difference whatsoever. Is it permissible according to Islamic law to demand that the Apostle of God (ṣ) should produce witnesses to support a claim he makes? If that happened during his lifetime, it was surely only done to impart legal procedure.

The Commander of the Faithful, Imam ʿAlī (ʿa), employed this line of reasoning, when he said, "O Abū-Bakr, why is Fāṭimah denied her property although she owned it during his lifetime?"

Abū-Bakr replied, "This is public property. If she produces witnesses to testify that the Prophet had given it to her she can have it otherwise she will have no right to it."

The Commander of the Faithful said, "O Abū-Bakr, will you decide our case contrary to the law God has set for Muslims?"

He replied, "No."

Then, Imam ʿAlī (ʿa) said, "Suppose some Muslims are in possession of something they own and I claim that it was mine who among us would ask for witnesses?"

"I would ask you," he replied.

"So," Imam ʿAlī (ʿa) asked, "Why did you demand witnesses from Fāṭimah for a thing in her possession, while she had held it during the lifetime of the Apostle of God and even after his death? You do not demand witness from other Muslims for their claims [to what they hold], but now you are asking me to provide proofs [for what I am holding], and what I claim ownership to the exclusion of all other Muslims?"

Abū-Bakr became silent. Then, ʿUmar talked, "O ʿAlī! Leave this questioning, for we cannot match your arguments. If you bring the witnesses you can have the property; otherwise, it is public property; neither you nor Fāṭimah will have anything thereof."

Imam ʿAlī (ʿa) asked, "Do you read the book of God, O Abū-Bakr?"

"Yes," he replied.

ʿAlī (ʿa) said, "Tell me about the saying of God the Exalted and Sublime: '*Indeed Allah desires to repel all impurity from you, O people of the Household, and purify you with a thorough purification*.' Whom are the ones intended in this Qur'ānic verse? Was it we or someone else?"

"It was revealed about you," he replied.

"If some witness should testify against Fāṭimah the Prophet's daughter that she had committed indecency what would you have done?" ʿAlī (ʿa) asked.

"I would have executed the prescribed punishment on her, as I would on other Muslim women," Abū-Bakr replied.

"Then, you would have been considered an unbeliever in the sight of God," ʿAlī (ʿa) said.

"Why?" enquired Abū-Bakr.

"In that case, you would have rejected God's testimony that she was immaculate, and accepted that of the people against her, just as you rejected the decision of God and His Apostle who assigned Fadak to her after it had been handed over to her when the Prophet was alive. You accepted the testimony of an uncouth Bedouin against her, although the Apostle of God (ṣ) said, 'The plaintiff is to produce witnesses and the defendant is to swear the oath,'" he answered.

The narrator of this report says: Then, the audience grumbled in criticism and the people began looking at one another saying, "By God, ʿAlī ibn Abī-Ṭālib (ʿa) has said the truth."[1]

Ibn Abi'l-Ḥadīd says: I asked ʿAlī ibn al-Fāriqī in the al-Gharbiyyah school in Baghdad if he thought Fāṭimah's claims were authentic and he answered in the affirmative. Then I asked him why Abū-Bakr did not hand over Fadak to her although she knew her to be truthful. Despite his marked sedateness, al-Fāriqī smiled and, in a jocular mood said, "If he had given Fadak just for the asking she would have come the following day and claimed her husband's right to the succession and removed Abū-Bakr from his post. And he could not have had any excuse for the contrary because by then he would have already recorded it to his own disadvantage that Fāṭimah was always truthful in whatever she claims, and therefore there

1. *Al-Iḥtijāj* 1:122-123.

would be no need for proofs or witnesses." And this is true even though al-Fāriqī had said it as a joke.[1]

Sayyid al-Murtaḍā's words on the truthfulness of Lady Fāṭimah

Sayyid al-Murtaḍā says: We will start by proving that Fāṭimah (ʿa) was perfectly in the right when she claimed ownership of Fadak, and that the one who refused to honor her demand and even requested her to produce evidence was obstinately deviating from the right track because she needed neither evidence nor witness. Our reason for this assertion is that Fāṭimah (ʿa) was immune to error and committing vile deeds, and because of these qualities, there was no need for witnesses and evidence for what she claimed.

As for her immunity from error, God the Exalted says, "*Indeed Allah desires to repel all impurity from you, O people of the Household, and purify you with a thorough purification*," which refers to a group of people among whom was Fāṭimah (ʿa), as shown by consecutively transmitted narrations. Desire or will in this context (i.e. as pertains to God) proves that the desired action has taken place. Her immunity from vile actions is indicated in the saying of the Prophet (ṣ): "Fāṭimah is a piece of my flesh, whoever offends has offended me, and whoever offends me has offended God the Mighty and Sublime."

This shows that she was infallible, because if she were to commit sins, to offend her would not have been like offending him in all respects.

Another proof of what we said is the story of the Bedouin who disputed with the Prophet (ṣ) over a camel, about which the narrators unanimously reported.

The Bedouin said to the Prophet (ṣ), "Who is your witness that the camel is yours?"

Khuzaymah ibn Thābit said, "I am a witness."

The Prophet (ṣ) said, "How did you know that while you were not present when it all happened?"

Khuzaymah replied, "I was not there but I know it from my knowledge that you are the Apostle of God."

1. *Sharḥ Nahj al-Balāghah* 16:274.

Then the Prophet (ṣ) said, "I have accepted your testimony and made it equivalent to two testimonies," and thenceforth he was given the epithet *Dhu'l-shahādatayn*; the one with the two testimonies.

There are parallels between this story and that of Fāṭimah (ʿa), in the sense that Khuzaymah's knowledge that the Prophet (ṣ) was God's Apostle was sufficient for him to believe that the Prophet's claim to the camel was true and he even testified to that. Similarly, whoever knew that Fāṭimah (ʿa) would never say what was untrue, should not have sought to ascertain the veracity of what she claimed by asking for evidence and witnesses. In this respect, it has been reported that initially, when the Commander of the Faithful (ʿa) testified on the matter, Abū-Bakr wrote a document to the effect that he had handed over Fadak to Fāṭimah (ʿa). However, ʿUmar opposed his judgment and tore up what he wrote.

Ibrāhīm ibn Saʿīd al-Thaqafī relates from Ibrāhīm ibn Maymūn, from ʿĪsā ibn ʿAbdullāh ibn Muḥammad, from his father, from his grandfather, from ʿAlī (ʿa) who said: Fāṭimah went to Abū-Bakr and said to him, "My father gave me Fadak, and ʿAlī and Ummu-Ayman were witnesses."

Abū-Bakr replied, "I cannot falsely ascribe anything to your father, I have given it to you."

Then he requested for some parchment and wrote her a document. On her way home, Fāṭimah met ʿUmar, who asked her where she came from.

"I am coming from Abū-Bakr. I told him that the Apostle of God had given me Fadak and that ʿAlī and Ummu-Ayman were witnesses, so he gave it back to me and wrote a document for me," she replied.

ʿUmar took the document from her and went to Abū-Bakr and remonstrated, "You gave Fāṭimah Fadak and even wrote for her a document?"

"Yes," replied Abū-Bakr.

ʿUmar said, "ʿAlī is only serving his interests and Ummu-Ayman is only a woman," and he spat on the parchment, wiped off the writing, and tore it to pieces.[1]

1. *Sharḥ Nahj al-Balāghah* 16:272- 274.

Al-Karājakī amazed by Abū-Bakr's request

Muḥammad ibn ʿAlī al-Karājakī says: It is very amazing that Fāṭimah should call on Abū-Bakr to demand for Fadak and mention that her father had granted it to her and Abū-Bakr would charge her with falsehood by saying that her claim lacked evidence, although the whole Muslim nation unanimously believed in her purity and integrity. Fāṭimah would tell him, "If you are not sure it was an endowment, then at least, I am entitled to it as my inheritance."

He would, then, claim that he had heard the Prophet (ṣ) saying, "We the prophets do not bequeath, and whatever we leave behind is charity."

He would force her to accept the credibility of what he related. The people held different views regarding his honesty, truthfulness and integrity, not to mention that Abū-Bakr was a party in the case, since he wanted to deprive Fāṭimah of a right God had granted her.

It is also a cause for wonder that Abū-Bakr should request her to present the whole of mankind, as it were, to testify that Fadak was her own, before he allowed her to have it, knowing very well her exalted position and rank. He knew her purity, and that she was beyond telling a lie or any accusation. All the same, she presented the Commander of the Faithful, the two Imams Ḥasan and Ḥusayn (ʿa) and Ummu-Ayman, but he openly rejected their testimony, claiming that the testimony of the husband for his wife or the son for his parent, is not accepted, and the testimony of one woman (i.e. Ummu-Ayman) was insufficient evidence. However, both friend and foe knew that the Prophet (ṣ) had said, "ʿAlī is with the truth and the truth is with ʿAlī. O God, let the truth turn with him wherever he turns."

"Ḥasan and Ḥusayn are leaders whether they stand up or they sit down."

Concerning Ummu-Ayman, he (ṣ) said, "You are with goodness and will end up with goodness."

Yet, Abū-Bakr rejected the testimonies of all these people despite their distinguished position.

A few days later, money was sent from Bahrain and Jābir ibn ʿAbdullāh al-Anṣārī came and said to Abū-Bakr, "The Prophet has said to me: When money comes from Bahrain I have granted you a little of it, I have given you a little of it," and repeated the last part thrice.

Abū-Bakr said to him, "Come forward and take the same number of

times."

So Jābir took three handfuls from public money by merely claiming it, without presenting any evidence or witness. In their (i.e. Abū-Bakr's supporters) view he has acted rightly and judged with justice in both cases. How strange this is!

It is surprising that the Muʿtazilites should concede that the Commander of the Faithful, ʿAlī, (ʿa) was the most knowledgeable and most indifferent to the world next to the Apostle of God (ṣ) himself, and they knew that he had accompanied Fāṭimah (ʿa) when she went to see Abū-Bakr. He testified to the veracity of her claim to the endowment, but from all this, they would not conclude that she was justified, and that the one who denied her her right had acted unjustly. They did not see how the most knowledgeable of men could not have differentiated a valid testimony from an invalid one, nor the most ascetic of men bear false witness. They could not see that the Commander of the Faithful (ʿa) knew that his testimony and that of the other witnesses was acceptable and that the existence of these testimonies would make it imperative to deliver a judgment based on them, while Abū-Bakr knew that. Besides, the assertion that ʿAlī (ʿa) was the most knowledgeable of all would have been untenable. If he had known that Fāṭimah's demand did not rest on any sound legal basis and was unattainable, and that it was not acceptable to decide the case on the strength of his testimony, but all the same he went on and testified for her. Then, he would have committed a deliberate mistake, an act that was at variance with the conduct of pious men and ascetics, thereby rendering void their saying that he was the most indifferent to the world next to the Apostle of God. However, they do not seem to realize this obvious contradiction.

Another baffling thing is how they support Abū-Bakr's dismissal of the testimonies of the Commander of the Faithful, Ḥasan and Husain (ʿa) on the ground, that the first was her husband, and the other two her sons. Since each had an interest in the matter, the testimony of someone who had a share in the property, which was the object of litigation, was unacceptable. Nevertheless, they accepted what Saʿd ibn Zayd ibn Nufayl reported alone, that Abū-Bakr, ʿUmar, ʿUthmān, Ṭalḥah, Zubayr, Saʿd, Saʿīd, ʿAbd al-Raḥmān and Abū-ʿUbaydah were granted Paradise, and they also cite this report in some of their arguments, while knowing that he was one of the group he mentioned, and therefore shared the benefit of what he related. They did not reject his report as false because of that while they seem to be oblivious of the fact that the husband does not own any of his

wife's property, nor a son of his parent's, except through a gift or inheritance.

It is an astonishing thing and a gross innovation in religion for the testimony of a pious man to be rejected by another with almost opposite qualities. The first had never committed polytheism, nor belied the religion, nor partaken of anything illegal, nor drank wine, nor committed any forbidden thing, nor uttered a falsehood, nor neglected any command of God or His Apostle (ṣ), nor ever found inferior with regard to merits and virtues. To crown it all, he enjoyed the most intimate relationship with the Apostle of God (ṣ) by virtue of lineage and marriage. The second had been under the influence of unbelief and polytheism for forty years, had committed all sorts of sins and after the advent of Islam, had not been credited with any virtue, such as defending the Prophet (ṣ) against harm. Rather he was known to have violated God's covenants, to have little merit and to be deficient in knowledge and therefore dependent on the knowledge of others. Then how could the latter have dismissed the testimony of the former and shown that he was more conversant with what was right, although the integrity and faith of the witness were matters of consensus among the people, while the judge's faith and integrity were subjects of contention? Indeed, sound minds and hearts find this distasteful.

It is amazing that they charge Fāṭimah with lying and making an invalid and unattainable demand from Abū-Bakr. Fāṭimah, who is the chief of all women, whom the Prophet (ṣ) took with him to the contest of mutual cursing (*mubāhalah*), and for whom he bore witness that she was granted Paradise, and about whom [among others] the verse of purification had been revealed. Their pretext for this charge was that Fāṭimah (ʿa) was not aware that, according to the laws of her father's religion, she had no share in the estate he had left behind; she was ignorant of this important aspect of Islamic law. Abū-Bakr knew that women did not know what men knew and it was not customary for them to learn the law. However, they (Sunnis) claim that the Prophet (ṣ) has commanded the people, "Learn a third of your religion from ʿĀ'ishah!" Or "Learn half of your religion from ʿĀ'ishah!" Or even, "Learn all of your religion from ʿĀ'ishah."

Thus ʿĀ'ishah preserves the whole religion, while Fāṭimah was ignorant of even a single issue that pertained to her. Indeed, this is most astonishing! The more surprising thing is that her husband did not teach her the facts to save her from going out of her house and talking with men to seek the impossible, he even accompanied her and testified in a claim that was

neither proper nor permissible by law. What a horrible and mind boggling thought!

Another amazing thing that evinces a flaw in their understanding of religion is the charge they indirectly lay at the door of God's Apostle (ṣ). He neglected teaching his daughter the law, which says that she was to have no share in his legacy and that she should not engage in disputes to seek the restoration of what was not her own. Being the dearest person to him, he had a much greater responsibility for her education than for anyone else's. The prudent always pay special attention to the education and training of the members of their families and relatives, in order to instruct them in the principles of religion and groom them for a position of distinction amongst the people. In this regard, God the Exalted says: "*Warn the nearest of your kinsfolk,*" and "*O you who have faith! Save yourselves and your families from a fire whose fuel is people and stones*."

The Prophet (ṣ) also says: "I have been sent forth [as a prophet] to my family particularly, and the people in general."

Nonetheless, they attributed to him negligence with regard to the obligation of instructing his child on rights and duties. Who doubts that Fāṭimah (ʿa) was the closest and most honored person to the Prophet (ṣ)? He used to visit her house morning and evening to see how she lived and asked about her condition. He showed her much compassion and often prayed for her. Whenever he set out for a military expedition or other journeys, he would bid her farewell and whenever he returned, he would call on her and embrace her two sons. Is it then conceivable that the Prophet (ṣ) could have been so careless to neglect informing her about her rights and duties? Certainly not, unless we suppose that they believed that he had forbidden her from protesting about something God had not given her but she had disobeyed him. This would have meant discrediting her openly and ascribing a sin to someone the Qur'ān had testified as pure, and this is not to be ruled out, for it is negligible, in view of their great enmity toward the Ahl al-Bayt (ʿa).[1]

1. *Al-Taʿajjub* pg. 15.

CHAPTER THREE
FADAK AFTER THE CONFISCATION

Fadak, After The Confiscation

Before we discuss the course Fadak took after it was confiscated, let us examine the excuses that have been put forward by the party of Saqīfah and their supporters to justify denying Fāṭimah (ʿa) her right to that estate and the narrations they have related in that regard. Was Abū-Bakr honest in the affair or not? Let us review the stand taken by him and his supporters in the light of what Sunni scholars have written in their works and held to be authentic, so that our argument will be the stronger in revealing the truth, for the benefit of those who are after it.

The most compelling evidence that has been recorded by Sunnis in this regard is the report that Abū-Bakr had rejected Fāṭimah's claim that the Apostle (ṣ) had bestowed Fadak on her. He rejected the testimonies in support of her claim that were given by the Commander of the Faithful ʿAlī, Ḥasan and Ḥusayn (ʿa) the two lords of the youths of Paradise, Ummu-Ayman who was given the tidings of entering Paradise and Rabāḥ the freed slave of the Prophet (ṣ). To defend his action, Abū-Bakr said, "I will not revoke any policy the Apostle of God used to execute, for I fear to disregard any of his orders, lest I should deviate."

According to another version, he said, "I swear by God that I will never change the condition of the charities of God's Apostle from what they were during his lifetime."[1]

By this declaration Abū-Bakr had promised in God's name to carry out the duties as the Prophet (ṣ) used to do (as affects the personal properties he had left behind, the spoils acquired without fighting a war *-fay'-* and the *khums*) but it remains to be seen if Abū-Bakr was true to his word.

This claim would fascinate every Muslim who wishes to see the precepts of the Prophet (ṣ) adhered to and hope that Abū-Bakr's actions had proved his words. But before presenting our view in that regard we wish first to

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1. *Ṣaḥīḥ Muslim* 5:153, 155; *Ṣaḥīḥ al-Bukhārī* 5:82; *Fatḥ al-Bārī fī Sharḥ Ṣaḥīḥ al-Bukhārī* 6:236; *Sunan Abī-Dāwūd* 2:23.

acquaint ourselves with how the Prophet (ṣ) used to spend the properties he left behind, including the *fay',* and how he used to divide the *khums*, keeping in mind the fact that he disposed of such properties in his capacity as their sole owner. Therefore, he used to dispose of those properties the way he wished; he reserved the right to give away a half, or a third or all of it as he pleased. If he liked he could have spent it on particular concerns and not others; he could have purchased arms and warhorses or spent it on his and his relatives' needs. He enjoyed all these privileges because of his complete ownership of those properties by God's endowment.

It is on record that ʿUmar ibn al-Khaṭṭāb said that the Apostle of God possessed, by way of true ownership, the *ṣafāyā* (choice portions of the spoils of war that were reserved for the general) and the [whole] spoils of Banu'l-Naḍīr, Khaybar and Fadak, among others. ʿUmar says, "God has singled out His apostle with a share of this *fay'* that was exclusively his own."[1]

In this regard, Sunni scholars hold that what the Prophet (ṣ) used to spend for himself, his family, *those whose hearts were to be reconciled*, and the needy, and what he used to give to some of his companions was actually from his personal resources (which God had given him from the *ṣafāyā*, the *fay'* the *anfāl*, the *khums*, etc.).

Al-Shāfiʿī writes: The Prophet (ṣ) gave a number of the Quraysh and the Helpers from his share and not from that of the Relatives.

Commenting on these words of God the Glorious: *They ask you concerning (things taken as) spoils of war (anfāl). Say: (Such) spoils belong to God and the Apostle so be wary of God and settle your differences,* this scholar says: All of it (i.e. the spoils of war) was for the Apostle of God (ṣ) exclusively. He divided it among them and included, among the beneficiaries, eight of the Migrants and Helpers who stayed in al-Madīnah and did not participate in the encounter. Indeed, he gave them from his property, for the verse: *Know that whatever thing you may come by, a fifth of it is for God*, was only revealed after the spoils of Badr have been taken. After that, the Apostle of God is not known to have granted any of the spoils of a battle to someone who did not take part in it. What he granted *those whose hearts were to be reconciled* and other groups was actually from his possessions and not from the four fifths (of the war spoils that was

1. *Ṣaḥīḥ al-Bukhārī* 3:43, 5:24, 6:191 & 8:4.

the share of the warriors).'[1]

Then how could the first caliph claim that he would act as the Apostle (ṣ) used to act with regard to the properties he left behind? Did he dispense of his properties the same way? Even if it he did, it does not follow that the same formula would remain static and unchangeable because it is probable that he would revise it under different situations. Nor was he required to always spend his possessions the same way, as that would have been a restriction on his right over his property, and whoever claims that there was such a restriction should come up with his proofs. So how could Abū-Bakr claim that he would never abandon any policy of the Prophet (ṣ)? Except, of course, if he claimed to have inherited from the Prophet (ṣ) instead of his (ṣ) family, as Fāṭimah (ʿa) asked him, "Are you the one who has inherited the Apostle of God's legacy or his family?"

Abū-Bakr and ʿUmar actually declared that the Prophet's legacy was in fact a gift that God bestowed on him, which went to his successor after death, that is, the caliph would inherit it instead of the Prophet's heirs. ʿUmar had kept Khaybar and Fadak and said they were the Apostle of God's charities, which he kept aside for contingencies, and ordered that they should go over to the person who would succeed him. The supporters of these two men held that the Prophet's share of the spoils was for the caliph who succeeded him and some of them even went to the extent of saying that the share of the Prophet's relatives should go to the relatives of the caliph!

The claim that the Prophet's legacy was a public endowment

The partisans of the two *shaykhs* (i.e. Abū-Bakr and ʿUmar) maintain that the estate left behind by the Apostle of God (ṣ) becomes a public endowment spent on the common good of Muslims. To support this stand, they invoke the report ascribed to the Prophet (ṣ): "We do not bequeath anything; whatever we leave behind is charity," which the first caliph alone related.

Ibn Ḥajar says: If it is established that the Prophet had instituted his properties as a religious endowment before his death then he did not leave behind anything to be inherited and therefore nothing was inherited from him. If we suppose that he had actually left behind some of his properties,

1. *Kitāb al-Umm* 4:154; Al-Awzāʿī, *Kitāb al-Siyar* 7:354.

then their falling within the domain of the law [of inheritance] could be carried out by an exception clause, as there are many laws that were specific to him. There is a well-known report that has been ascribed to him to the effect that he was not to be inherited from which implies that the law has singled him out in that regard.

In his *Al-Ḥāshiyah*, Ibn al-Mundhir writes: It can be inferred from this *ḥadīth* that should one say, "My house is a charity and it is not to be inherited." Then it becomes an endowment without any need to mention the word *endowment*. This reasoning is plausible, but it remains to be determined whether the act should be considered an explicit transfer of title or an implicit one that would then require the intention of the transferor. A *ḥadīth*, reported by Abū-Hurayrah, indicates that it is valid to make endowments of movable properties, and that endowments are not specific to landed properties, because his (the Prophet's) saying, "*what I leave behind apart from my family's provisions [is charity]*" was a general statement.[1]

The majority of Sunni jurists and scholars of *ḥadīth* hold that view and also add that all *fay'* spoils taken after the demise of the Prophet (ṣ) became endowments directly.

How the Prophet used to spend the fay'

How did the Prophet (ṣ) dispose of the spoils of Banu'l-Naḍīr, Khaybar and Fadak? Al-Wāqidī says: He used to provide for his family's needs from his acquisitions from Banu'l-Naḍīr which were exclusively his own, so he gave out from them to whoever he wished. He appointed his freed slave Abū-Rāfiʿ to administer those properties.[2]

The author of *Sharḥ Ṣaḥīḥ al-Bukhārī* writes: Ibn Shihāb says that the properties of Banu'l-Naḍīr were among the spoils God had given His Apostle as *fay'*; so, they were exclusively his own. He used to take the annual provisions of his family from their proceeds and spend the rest on arms and warhorses, in preparation for war in furtherance of God's cause. Sufyān relates from Muʿammar from al-Zuhrī: The Prophet (ṣ) used to sell [the proceeds of] the date palms of Banu'l-Naḍīr and retain only [as sufficed] the annual provisions of his family.

In another narration, Abū-Dāwūd states that Ibn Shihāb has related that

1. *Fatḥ al-Bārī fī Sharḥ Ṣaḥīḥ al-Bukhārī* 12:12.

2. Al-Wāqidī, *Al-Maghāzī* pg. 363, 378; Al-Miqrīzī, *Imtā' al-Asmā'* pg. 178, 182.

Usāmah ibn Zayd said: The Apostle of God (ṣ) had three *ṣafāyā* (choice portions of the spoils of war that were formerly reserved for the general): [the properties of] Banu'l-Naḍīr, Khaybar and Fadak. He earmarked [the proceeds from] Banu'l-Naḍīr for contingencies and those of Fadak for the needs of the travelers. As for the proceeds of Khaybar he used to distribute the major part among the Muslims, keep some of it to cater for his family and gave out whatever remained to the poor Migrants.

There is no contradiction between the two versions because it was possible that the proceeds were spent to cater for the poor Migrants and on arms and warhorses, and he might have treated the rest like other properties that were considered God's own. This elucidates Muʿammar's narration related by Muslim. Abū-Dāwūd further relates that *he used to provide for his family and give the rest in charity* as we have seen in his aforementioned narration from Abu'l-Bukhtarī.[1]

Al-Bukhārī relates: ʿAlī (ʿa) and ʿAbbās went to ʿUmar ibn al-Khaṭṭāb seeking legal action concerning the property of Banu'l-Naḍīr. ʿUmar said to them and to the people in attendance, "It was the Apostle of God's exclusive property. By God, he neither deprived you of it nor granted it exclusively to you. He had granted it to you and distributed it among you until nothing remained from it except this property. The Prophet (ṣ) used to meet his family's annual needs from its proceeds and spend the rest the way God's property was spent. This was his practice until his death. I adjure you by God! Do you know this to be true?" (He was asking the people in attendance: ʿUthmān, Zubayr, ʿAbd al-Raḥmān, Mālik ibn Aws and Yarfaʿ his servant)

"Yes," they replied.

Then he turned to ʿAlī and ʿAbbās and addressed them, "I adjure you by God! Do you know this?"

"Yes," they replied.

We shall recount all the various versions of this report and comment on it in due course.

Abū-Yaʿlā says: The sixth charity was his property from the lands of Banu'l-Naḍīr at al-Madīnah, which was the first land God granted him. The Prophet (ṣ) banished them but avoided spilling their blood... This land became one of his charities, which he used to spend as he wished. He used

1. *Fatḥ al-Bārī* 6:247, 248.

to cater for his wives from it. Thereafter, ʿUmar handed it over to ʿAlī and ʿAbbās.[1]

If the Sunnis subscribe to this view, then it becomes clear that after keeping aside what was needed for the sustenance of the Prophet's family from his estate, the rest became charity and an endowment, which was to be spent on public good. Since it was forbidden by law to sell, buy, divide up, or give out properties that were granted as endowments (*waqf*), the charity should have remained unaltered. Thus, the Prophet (ṣ) kept aside the property of Banu'l-Naḍīr mainly for contingencies, and for the annual provisions of his family, and spent whatever remained on the purchase of arms and warhorses. Similarly, he used to dedicate his share of the properties of Khaybar for unforeseen events and supporting his family, and spent the rest in providing for the poor Migrants and the purchase of weapons, while he kept the proceeds of Fadak solely for the needs of the travelers.

A close examination of the foregoing inferences will show beyond doubt that they all derive from the narration: *We do not bequeath anything and whatever we leave behind is charity*, which was reported by the first caliph alone. Because there are only two ways to define how the Prophet's legacy should be spent: it was either based on a policy the Apostle (ṣ) had instituted during his lifetime or the personal opinion of the rulers who succeeded him; it could not have been both ways. Except of course, if we say that part of the Prophet's estate was governed by the law of endowment, and the rest by the personal edicts of his successors, and any such claim will have to be backed by citations from the divine law.

For sure, the policies of Abū-Bakr, ʿUmar and ʿUthmān regarding the charities of God's Apostle (ṣ) were contradictory, as can be seen from the narrations their partisans have related. To consider the actions of any one of them as correct is to declare those of the others wrong; sometimes even the actions taken by one of them at various times have proved inconsistent. This is a clear indication that they had in fact usurped the Prophet's estate and wronged the Ahl al-Bayt (ʿa).

1. *Al-Aḥkām al-Sulṭāniyyah* pg. 299.

Abū-Bakr, 'Umar and 'Uthmān's disbursement of fay' and khums

After learning about how the Prophet (ṣ) used to spend his properties, let us now look at Abū-Bakr's policy with respect to what the Prophet (ṣ) had left behind to see whether he had kept to the Prophet's way or not. Abū-Bakr took away Fāṭimah's share of the *khums* and the gift her father had given her because, as he said, he feared that he would fall into deviation should he neglect anything the Prophet (ṣ) had commanded. However he was not true to his word as he had acted in clear contradiction of the Prophet (ṣ) by mixing up *fay'* with *khums* and spending them in the same manner, without giving the Prophet's family anything from the former. Moreover, he took control of Fadak and spent part of its proceeds to provide maintenance for the Prophet's wives although it was an endowment for the exclusive purpose of supporting travelers, as the scholars who upheld Abū-Bakr's position would say. Abū-Bakr even considered the issue of Fadak the prerogative of the caliph (i.e. himself) to dispose of it freely.

The Apostle of God (ṣ) used to spend on his immaculate Ahl al-Bayt (ʿa), either from what God has bestowed on them, or from the spoils He had given him without waging war (*fay'*), or from other sources. Apart from this, the Ahl al-Bayt (ʿa) possessed special grants from the spoils of Khaybar, which the Prophet (ṣ) divided among them during his lifetime, but when Abū-Bakr became caliph he took away these properties from them and deprived them of the *khums* of the spoils that were taken in subsequent wars.

Sunni scholars confirmed this view and their statements indicate that Abū-Bakr had contradicted the Prophet (ṣ) in dividing and spending the *khums* and the charities. Ibn Jarīr al-Ṭabarī relates that Ibn ʿAbbās has commented on the Qur'ānic verse: *Know that whatever thing you may come by a fifth of it is for God and the Apostle, and for the relatives, the orphans, the needy*. He said: The spoils used to be divided into five parts, four of which went to the soldiers and the fifth subdivided into four and assigned for God, His Apostle, and the relatives, (that is the Prophet's relatives). The portions for God and the Prophet (ṣ) all went to the relatives, for the Prophet (ṣ) never took anything from the one fifth (*khums*). When he passed away, Abū-Bakr transferred the share of the Relatives to the public purse and spent it on the general good of the Muslim community in conformity with the Prophet's saying: *We, the prophets, do not bequeath anything; whatever we leave*

behind is charity![1]

This is a clear contradiction by Abū-Bakr of the precepts of the Prophet (ṣ) with regard to the share of the Relatives.

Jalāl al-Dīn al-Suyūṭī writes: Ibn Abī-Ḥātim and Abu'l-Shaykh relate that Saʿīd ibn Jubayr said: *Know that whatever thing you may come by*—this Qur'ānic verse refers to the spoils taken from the polytheists. *A fifth of it is for God and the Apostle, and for the relatives*—this section refers to the Prophet's relatives, and *the orphans, the needy and the traveler* refers to the guest. When the Muslims took spoils during the time of the Prophet (ṣ) they used to keep aside one fifth of it, which was subdivided into four parts. The first one was for God, the Prophet (ṣ) and his relatives. The Prophet (ṣ) used to have a share equal to that given to a man among the relatives. The second part was for the orphans, the third for the needy and the fourth for the travelers. Abū-Bakr canceled the portion of the relatives and spent it on matters of war, and the share of the orphans, the needy and the travelers remained as it was.[2]

Jubayr ibn Muṭʿim says: Abū-Bakr did not give the Apostle's relatives what the Holy Apostle used to give them.[3]

Ibn Jarīr admits that Abū-Bakr and ʿUmar used to divide all the *khums* without assigning a specific share for the Relatives.[4]

It is reported that Ibn ʿAbbās used to say: The share of the Relatives is for the Prophet's relatives, he used to divide it among them. Once ʿUmar offered us some of it but when we saw that it was less than our due we rejected it.[5]

ʿUmar ibn Shabbah al-Numayrī relates that Ḥasan ibn Muḥammad ibn ʿAlī said: Abū-Bakr assigned the portion of the relatives for the purchase of warhorses and arms.[6]

ʿAbd al-Malik ibn Salamah al-Azdī says: After the passing away of the Prophet (ṣ), Abū-Bakr and ʿUmar divided all the *khums* and they did not

1. *Jāmiʿ al-Bayān fī Ta'wīl al-Qur'ān* 10:11; *Aḥkām al-Qur'ān* 3:62; *Naṣb al-Rāyah* 4:273.

2. *Al-Durr al-Manthūr* 3:186.

3. *Musnad Aḥmad* 4:83; *Majmaʿ al-Zawā'id* 5:341.

4. *Fatḥ al-Bārī* 6:259, 260; *Kitāb Farḍ al-Khums*, chapter 6, ḥadīth no. 3113.

5. *Musnad Aḥmad* 2:177; *Sunan al-Bayhaqī* 6:344; 345.

6. *Tārīkh al-Madīnah al-Munawwarah* 1:217.

consider the Prophet's relatives to have any entitlement above that of the other Muslims.[1]

Ibn Abi'l-Ḥadīd writes: It has been related from Ibn ʿAbbās that the *khums* was divide into six parts, two for God and the Apostle, one for his relatives and three for the three categories (i.e. the orphans, the needy and the travelers). Things continued in this way until the Prophet (ṣ) passed away. Then Abū-Bakr cancelled the three shares and divided the *khums* among three categories, and ʿUmar acted the same way. It has been reported that Abū-Bakr refused to give the Hāshimites the *khums* and said to them: "Your right is that we should provide for the poor among you, facilitate the marriage of the unmarried among you, and get servants for those among you who do not have them. But, your rich men are not to be given anything; they are like a rich travelers or well-to-do orphans."

The people relate that the Commander of the Faithful ʿAlī said, "[The orphans and the needy mentioned in the Qur'ānic verse refer to] the orphans and the needy among us [we the Ahl al-Bayt]."

If this narration is sound then it is more acceptable in our view, but its authenticity is the question.[2]

These narrations clearly show Abū-Bakr's infractions of the rules that had been laid down by the Prophet (ṣ), and his actions were at variance with these words: "By God, I will not change anything in the Prophet's charities," which he said when he denied Fāṭimah (ʿa) her right. A close look at those events reveals that Abū-Bakr's deeds had often contradicted his words. Sometimes he says: "The Prophet did not bequeath anything and whatever he left behind is charity," and sometimes, he says, "I will provide for whoever the Prophet (ṣ) used to provide for, I will not disobey him in this." Sometimes he would say, "The family of Muḥammad can only take their sustenance from this property (which he left behind); they cannot have more than what is necessary for their sustenance."

I wonder where he got this limitation! Was the Prophet's spending for his honorable family limited to their feeding alone, and did he spend on them under this condition?

This was nothing but Abū-Bakr's personal opinion, which was indeed unfounded and which did not rely on any precept of God's Apostle (ṣ), and

1. *Sharḥ Maʿānī al-Athar* 3:234.

2. *Sharḥ Nahj al-Balāghah* 12:219.

whoever claims otherwise should support their claim with citations from the holy Qur'ān and the Prophet's revered precepts. And if the Prophet (ṣ) did not bequeath anything and all his estate was charity for the benefit of Muslims then in what way was it lawful for Abū-Bakr to spend for the Ahl al-Bayt (ʿa) from it when the law has made charities unlawful for them?

Al-Bukhārī relates that ʿĀ'ishah, the daughter of Abū-Bakr, said that when Fāṭimah (ʿa) demanded her inheritance from her father's possessions, which God granted him as *fay',* and his property at al-Madīnah, Fadak, and the remainder of the *khums* of Khaybar, Abū-Bakr denied it. He told her that the Apostle of God (ṣ) had said: "We do not bequeath anything and whatever we leave behind is charity."

He said, "The family of Muḥammad can only have its sustenance from this property (that is the property of God), they cannot have more than their feeding needs…"[1]

In another place, Abū-Bakr said, "When God grants a gift to a prophet of His and then causes him to die, the gift goes to the person who succeeds him. I have decided to turn it over to the treasury."[2]

This was a more serious claim than his argument that the prophets were not to be inherited from and whatever they left behind was charity, for a subsisting charity that benefits Muslims is better than a property, which was simply a gift. After the demise of the Prophet (ṣ), that *gift* was transferred to Abū-Bakr who succeeded him, and it became his private property, which he could spend to further his personal interests. Then he decided to return it to the people and in that way he succeeded in extricating himself from the charges leveled against him, and at the same time posed as the benevolent man who gave out to the people and to Fāṭimah (ʿa) what the Prophet (ṣ) had bequeathed to him rather than to her!

ʿUmar ibn al-Khaṭṭāb followed Abū-Bakr's line but ʿUthmān ibn ʿAffān decided to wrest it from the public treasury since it was a *gift*, a purely private property of the ruler. ʿUthmān then spent its proceeds on his personal interests and when he no longer needed those properties, he gave out part of them (that is Fadak) under a feudal arrangement to Marwān ibn al-Ḥakam, a man the Apostle of God (ṣ) had banished from al-Madīnah, and ʿUthmān's sons took the rest of the *gift*.

1. *Ṣaḥīḥ al-Bukhārī* 4:210.

2. *Musnad Aḥmad* 1:4; *Sunan Abī-Dāwūd* 2:34; Al-Bayhaqī, *al-Sunan al-Kubrā* 6:301; *Fatḥ al-Bārī* 6:139.

Al-Bayhaqī says: Fadak was given to Marwān as a feudal title during the time of ʿUthmān ibn ʿAffān, and it seems that he (ʿUthmān) acted on some interpretation of a narration in which the Apostle of God is reported to have said: "When God grants a prophet a gift it passes to his successor after his death."

Because he was not in need of it, since he was rich, ʿUthmān gave it out to his relatives. This is how many learned men explain ʿUthmān's action.

Ibn Ḥajar al-ʿAsqalānī writes: Ibn al-Khaṭṭābī says: ʿUthmān granted Fadak to Marwān as a feudal title, because he held that a thing that was the Prophet's exclusive property would pass on to the caliph after him, and, since ʿUthmān was needless of it, on account of his wealth he conferred it on some of his relatives.[1]

This being the case, does Abū-Bakr's saying, "*for I fear to disregard any of his orders lest I should deviate,*" retain any meaning?

The Prophet's estate was a *gift* that passed on to whoever took the mantle of leadership after him. Thus, the Prophet's estate passed on to Abū-Bakr in his capacity as the ruler after him, and he could dispose it as he wished. However, he decided to turn it over to the public treasury as a cover-up and a justification of his usurpation of the rights of the Ahl al-Bayt (ʿa). Then ʿUthmān ibn ʿAffān tampered with the estate, including the land of Fadak, which he gave Marwān because he considered it a gift, based on his own interpretation of Abū-Bakr's narration. ʿUmar ibn al-Khaṭṭāb also said that the properties that the Prophet (ṣ) had left behind went to the ruler after him. Thus, the caliphs and rulers became the inheritors of the Prophet's estate and not his daughter and other members of his family!

Muslim narrates that al-Zuhrī relates from Mālik ibn Anas that one day Imam ʿAlī (ʿa) and his uncle ʿAbbās went to ʿUmar ibn al-Khaṭṭāb asking for their share of the Prophet's estate and a lengthy discussion ensued between them. At a point, ʿUmar said to them, "When the Apostle of God passed away, Abū-Bakr said, 'I became the successor to God's Apostle and you came [O ʿAbbās] asking for your share of the inheritance from your nephew, and this man asking for his wife's inheritance from her father. [Know that] the Apostle of God has said: We do not bequeath anything; whatever we leave behind is charity.'

1. *Al-Sunan al-Kubrā* 6:301; *Fatḥ al-Bārī* 6:141; al-Andalusī, *Mu'jamu mastu'jim* pg. 1275 3rd ed. Beirut 1403 A.H.

Then you charged Abū-Bakr with lying, sinning, betrayal and treachery, but God knows that he was a truthful, pious and rightly guided man who did the right thing. Then he passed away and I am now the successor of the Apostle of God (ṣ) and the successor of Abū-Bakr, and now you consider me a liar, a sinner, a betrayer and a traitor but God knows that I am a truthful, pious, and rightly guided man who does what is right. Now I am the ruler…"[1]

This authentic narration shows that Abū-Bakr and ʿUmar had taken over the Prophet's estate and they held that it was the right of his successors to do so. It also demonstrates that the Commander of the Faithful ʿAlī (ʿa) and his uncle ʿAbbās strongly opposed that view to the extent that they believed that the people who subscribed to it were guilty of lying, sinning betrayal and treachery. We shall expound more on this narration later.

Abū-Bakr's disobedience to the Prophet's commands regarding the rights of the Relatives was so well known that Sunni jurists could neither conceal nor acquiesce to it; most of them expressed their opposition to this infraction.

ʿAbdullāh ibn Qudāmah writes: As for the policy of Abū-Bakr and ʿUmar of disbursing the share of the Relatives on matters of conducting war for God's cause, when it was mentioned to [Aḥmad ibn Ḥanbal] he kept quiet, shook his head (in disapproval) and did not support it. He held that the view of Ibn ʿAbbās and those with the same understanding was more acceptable because it was more in conformity with the book of God and the precepts of His Apostle (ṣ). When Ibn ʿAbbās was asked about the share of the Relatives, he replied, "We used to claim it but our people rejected our claim."

Perhaps he was referring to the policies of Abū-Bakr and ʿUmar and those who followed them, of converting its use to the provisions for war. Whenever the Prophet's companions disagree on a question, the more acceptable opinion should be that which conforms to the book of God and the precepts of His Apostle (ṣ), and in this case, it is Ibn ʿAbbās' view. Jubayr ibn Muṭʿim relates that the Apostle of God (ṣ) did not give the Banū-ʿAbd Shams and the Banū-Nawfal families anything from the *khums*; he only gave Banū-Hāshim and Banu'l-Muṭṭalib. Abū-Bakr used to divide the *khums* the way the Prophet (ṣ) used to do with the exception that he gave the Prophet's relatives less than what the Prophet (ṣ) himself used to

1. *Ṣaḥīḥ Muslim* 5:152.

give them.[1]

Al-Ṭabarī writes: In our opinion, the correct view is that the Prophet's portion was combined with the *khums,* and then the whole was divided into four shares. Ibn ʿAbbās related them: a share for the Relatives, a share for the orphans, a share for the needy and a share for the travelers. God has granted the *khums* (i.e. a fifth of the spoils) to some categories of people with specific descriptions, just as He granted the four fifths to others.

Jurists are unanimous that no other group is entitled to the four fifths, in the same way, no one can have the share of the one fifth (*khums*), except its designated beneficiaries. Therefore, it is not permissible to spend anything from the *khums* outside this group. Similarly, because some categories of the people who are entitled to *khums* no longer exist, it is not permissible to distribute some of the shares, outside the prescribed categories that have been assigned shares, as mentioned in the Qur'ān.[2]

By saying, *just the same way… it is not permissible to distribute some of the shares*, al-Ṭabarī refers to the share of the Prophet (ṣ) and that of the Relatives, which Abū-Bakr and ʿUmar had revoked, thereby, contradicting a clear provision of the Qur'ān and the Prophetic tradition.

Ibn Shabbah al-Numayrī relates that Muḥammad ibn Isḥāq said: I asked Abū-Jaʿfar Muḥammad ibn ʿAlī: How did ʿAlī administer the share of the Relatives when he extended his rule to al-Kūfah and al-Baṣrah and gained control over the people? He answered: He maintained the policy of Abū-Bakr and ʿUmar.

Then I enquired further: How and for what reason did he act that way while you hold a different view?

He replied: By God, his people (i.e. his kinsmen) never disobeyed his word.

I said: Then what prevented him [from restoring their shares to them]?

He replied: By God, he disliked being accused of acting contrary to Abū-Bakr and ʿUmar.[3]

Thus, Sunni scholars themselves testify, according to this and other reports, that the Ahl al-Bayt (ʿa) believed that Abū-Bakr and ʿUmar had

1. *Al-Mughnī* 7:301.

2. *Jāmiʿ al-Bayān* 10:11, ḥadīth no. 12, 516.

3. *Tarīkh al-Madīnah* 1:217; *al-Sunan al-Kubrā* 6:342.

contradicted the commands of the Apostle of God (ṣ) by dividing the *khums* among three categories only and revoking the share of the Apostle and his relatives (ʿa). This is indicated in Ibn Isḥāq's question: How and for what reason did he act that way while you hold a different view?

Abū-Jaʿfar and his adherents held a different view from that held by Abū-Bakr and ʿUmar. Their grandfather, the Commander of the Faithful, also held a different perspective from that of Abū-Bakr. As can be seen from Ibn Isḥāq's question, as to what prevented him from opposing the policy of the two men openly and restoring the rights of his family, the reason was that ʿAlī (ʿa) disliked being accused of opposing the two men. As Imam ʿAlī (ʿa) did not undertake any new conquests during his reign, the properties of the Prophet (ṣ) and his relatives remained in the hands of the people up to the time of ʿAlī's rule.

When he assumed the mantle of leadership after the assassination of ʿUthmān ibn ʿAffān, Imam ʿAlī (ʿa) addressed the people on the second day after the people swore allegiance to him in al-Madīnah. He said: Every piece of land that ʿUthmān gave out and all awards he had made from God's property will be returned to the treasury, for nothing obliterates long standing rights. Even if such properties have been spent in marrying women or dispersed in the land, I will restore them to their former state. Surely, there is comfort in justice, and whoever is uneasy with the truth, will find himself more oppressed by injustice.[1]

However, Imam ʿAlī (ʿa) did not touch the properties of the Prophet (ṣ) and his relatives which Abū-Bakr and ʿUmar appropriated and awarded undeservingly. He left them in the hands of the people because he felt that it was not the right time to do otherwise. He gave priority to the problem that was more important. He was faced with having to fight three battles: Jamal, Ṣiffīn and Nahrawān, and his enemies were lurking and expecting disaster to befall him. In such trying circumstances, the Commander of the Faithful did not wish to be charged with opposing Abū-Bakr and ʿUmar.

The question arises: Why did Imam ʿAlī not entertain any aversion of being accused of opposition when he took back the properties ʿUthmān had given out and returned them to the treasury?

The answer is that the people had already become critical of ʿUthmān because he had monopolized public resources, so the Imam (ʿa) easily took

1. Muḥammad ʿAbduh's *commentary on Nahj al-Balāghah* 1:46; Ibn Abi'l-Ḥadīd, *Sharḥ Nahj al-Balāghah* 1:269.

back those properties. Moreover, the people who revolted against ʿUthmān had already supported ʿAlī (ʿa) in fighting [the battle of the Camel against] the perfidious, [the battle of Ṣiffīn against] the unjust and [the battle of al-Nahrawān against] the renegades.[1]

Al-Shāfiʿī said: We have been told that Jaʿfar ibn Muḥammad related from his father that Ḥasan, Ḥusayn, ʿAbdullāh Ibn ʿAbbās and ʿAbdullāh ibn Jaʿfar requested for their share of the *khums* from ʿAlī . He responded, "It is your right for sure but I am presently at war with Muʿāwiyah so, you can withdraw your claim for now."

When I told ʿAbd al-ʿAzīz ibn Muḥammad about this narration, he said, "It is true. This is how Jaʿfar used to relate it. Did he not relate it to you from his father and grandfather?"

I said, "No."

Then he said, "I suppose his grandfather must be its source."

Thereupon, I asked him whether it was Jaʿfar who was more reliable and better acquainted with the narrations of his father or Ibn Isḥāq, and he replied that it was Jaʿfar.[2]

As for ʿUmar ibn al-Khaṭṭāb and ʿUthmān ibn ʿAffān, the infractions they committed in that regard were innumerable, thanks to the long periods of their rule. Outstanding Sunni scholars were at such a loss as to any plausible reason why ʿUmar and ʿUthmān contravened the Prophet's rule in disposing the *fay'* and *khums,* that they considered the question to have been subject to the independent judgment of the rulers.

Ibn Qudāmah observes in *al-Mughnī*: They say that the *khums* used to be divided among three categories of people: the orphans, the needy and the travelers, and Abū-Bakr revoked the Prophet's share and that of his relatives after his demise.

Mālik ibn Anas says: *Fay'* and *khums* are the same thing and both are to be deposited in the treasury.

Sufyān al-Thawrī and Ḥasan al-Baṣrī said: The ruler spends it as he deems fit.

Abū-Ḥanīfah's opinion contradicted the relevant Qur'ānic verse in which

1. *Sharḥ Nahj al-Balāghah* 1:267.

2. *Kitāb al-Umm* 4:155.

God the Exalted has assigned some part of the *khums* for His Apostle (ṣ) and his relatives as a matter of right, and given the rest to the other three categories, so whoever contradicts this arrangement will have violated a clear provision of the Book. When the policy of Abū-Bakr and ʿUmar of converting the share of the Relatives into a source for meeting war expenses was mentioned to Aḥmad ibn Ḥanbal, he kept silent for a moment, shook his head and would not support that view. He held that the view of Ibn ʿAbbās and those who shared his opinion was more preferable because it was in consonance with the Book of God and the precepts of His Apostle (ṣ).[1]

For God's sake, see to what extent their caprices have taken them in the support of falsehood. When the question was how to find excuses for Abū-Bakr for his depriving Fāṭimah (ʿa), the Prophet's daughter, of her rights, they said that the Prophet (ṣ) had instituted an endowment out of the possessions he had left behind. Their disposal rested on his decree so that the rulers who succeeded him would have no say in the matter. To buttress their claim they related a great number of narrations, gave them the stamp of soundness and built legal opinions on them. When they saw that the actions of Abū-Bakr, ʿUmar and ʿUthmān with respect to the Prophet's *endowments* contradicted his policy they said that *fay'* and other types of the spoils were one and the same thing and it was to be spend according to the personal judgment of the rulers. Sunni scholars have gone out of their way to justify the actions of Abū-Bakr, ʿUmar and ʿUthmān that were contrary to the Prophet's policy, and contrary to one another. They did this by indiscriminately narrating reports and declaring them reliable, and subsequently issuing verdicts based on them.

Al-Bukhārī writes: ʿUmar took control of Khaybar and Fadak. He said that they were the Apostle of God's endowments and they were kept aside for his present and future needs, and that he has ordered that they should pass on to the ruler. They have remained for that purpose to this day.[2]

Concerning Abū-Bakr's depriving the Prophet's family of their right, Ibn Ḥajar says: [Abū-Bakr's action] has been put forth as argument to show that the Prophet (ṣ) did not own anything from the *fay'* and the *khums* of the spoils except as much as he needed for himself and for those he used to

1. *Al-Mughnī* 7:301.

2. *Fatḥ al-Bārī* 6:236; *Ṣaḥīḥ Muslim* 5:156; Al-Dhahabī, *Tārīkh al-Islām* 1:346; *Tārīkh Ibn Kathīr* 7:285; *Sunan al-Bayhaqī* 6:300; *Musnad Aḥmad* 1:6; Ibn Saʿd, *al-Ṭabaqāt al-Kubrā* 8:18.

provide for. For anything above that, he only enjoyed the right of disposal by way of giving it out as grants.

Others aver that God did not grant His prophet the ownership of the slaves that were taken as booty but granted him only their services, and even from that he was allowed to avail himself only as much as he needed, and the same applied to his successor.[1]

The purpose of these contradictory narrations and legal opinions was to demonstrate that whatever the Prophet (ṣ) possessed had duly passed on to his successor, who reserved the right to dispose of them as he deemed fit. He could keep some in the treasury, he could give out some in charity, or under feudal arrangements, or as a gift, or spend on his own relatives, or on other ways that may be wrong.

Conclusion

The estate of the Apostle of God (ṣ) was appropriated by the same party of the Quraysh, who had already taken over the caliphate. Thus, its fate was at the mercy of the powers that were. The narrations that have been related by Abū-Bakr's supporters show that he was not true to his word, when he said, "I will not revoke any policy the Apostle of God (ṣ) used to execute; I will uphold it," because, he actually contradicted him in the method of disposing of the *fay'* and dividing the *khums*, among other things.

One can classify these narrations into five groups: Firstly, those saying that the Prophet's estate was instituted as endowment for the common good of Muslims. Secondly, those laying emphasis that the method of disposal of *the Prophet's endowments* was his prerogative and that his successors had no say in the matter. Thirdly, those showing how the Prophet (ṣ) used to dispose the properties of Banu'l-Naḍīr, Khaybar and Fadak. Fourthly, those that recounted the actions of Abū-Bakr, ʿUmar and ʿUthmān with regard to *the endowments*, which were a clear breach of the Prophet's policy and how the actions of these men contradicted one another. Fifthly, those saying that *the endowments* of the Prophet (ṣ) had passed over to the rulers who came after him and that these rulers could apply their personal judgment and dispose of those properties or their usufruct as they considered appropriate.

One can easily see how the narrations of the fifth group contradict those of the second and how those of the fourth group are the antithesis of those in

1. *Fatḥ al-Bārī* 6:250.

the third, and that the two pairs can never be reconciled to give a reasonable meaning. One wonders how the minds of the Sunnis can bear this antithetical narrations and legal opinions. "Had it been from someone other than Allah, they would have surely found much discrepancy in it." To get to the truth of the matter one only needs to acquaint oneself with the course Fadak had actually taken. Abū-Bakr had taken it from Fāṭimah (ʿa) on the strength of the claim that the Apostle of God (ṣ) had made it an endowment for the benefit of travelers. What made it permissible for Abū-Bakr to spend the proceeds of Fadak on matters that were supposed to be financed with the proceeds of Khaybar, while the two had been earmarked for different purposes? Listen to what Ibn Ḥajar says in this regard: "Abū-Bakr would start with provisions for the Prophet's wives and other expenses, on which he used to spend from [the proceeds of] Khaybar and Fadak, and then disburse the remainder on matters of public good. ʿUmar also upheld the same policy after him."[1]

Inequality in giving out stipends from the treasury

Perhaps, ʿUmar followed Abū-Bakr's policy in the first two years of his rule but later changed it, for al-Bukhārī written that ʿUmar took control of Khaybar and Fadak. They were the Apostle of God's endowments. They were kept aside for his immediate and future needs, and he ordered that they should pass on to whoever becomes the ruler after him.[2]

As for providing for the Prophet's wives, it had been done during the early years of ʿUmar's rule from the proceeds of the properties of Banu'l-Naḍīr, and when he instituted the stipend registry (*dīwān*), he breached the Prophet's precepts by treating the Muslims unequally in terms of awarding the stipends. Among the Prophet's wives ʿUmar awarded ʿĀ'ishah the daughter of Abū-Bakr 12,000 dirhams annually, and gave Ḥafṣah his daughter 10,000 dirhams (other sources say 12,000). He gave ʿĀ'ishah, Ḥafṣah and Ummu-Ḥabībah more than the other wives of the Prophet (ṣ), for he used to give Juwayriyah and Ṣafiyyah 6,000 dirhams each. Those who participated in the battle of Badr got 5,000 dirhams and in this way, ʿUmar classified the Muslims into twenty classes with regard to the amount they were to get as stipends.[3]

The people had voiced their disapproval of this inequality in dividing the

1. *Fatḥ al-Bārī* 6:244.

2. See section 4 above.

3. *Tārīkh al-Ṭabarī* 3:613; *Al-Kāmil fi'l-Tārīkh* 2:502.

stipends because it was contrary to the Prophet's tradition and even the practice of Abū-Bakr.[1] The Prophet's spouses observed: "The Apostle of God (ṣ) never awarded us more than them (i.e. his other wives); he used to give us equally."[2]

Indeed the fact that the fiscal policies of ʿUmar and Abū-Bakr had breached the Prophetic tradition was so well known that no one can deny it and our forthcoming discussions shall make it the more obvious.

In the case of ʿUthmān, his contravention of the Prophet's policy and his contradiction of Abū-Bakr and ʿUmar was known to all and sundry. He had shared the land of Fadak among his relatives as though he had inherited it from his father, although, it was supposed to be the Prophet's endowment for the benefit of travelers, as they claimed. Moreover, and it was on the strength of that claim that they denied Fāṭimah (ʿa) her right, although she was the daughter of the Apostle of God (ṣ) and the best of all women.

Now, if Fadak was not an endowment for the support of travelers and if it had become the caliph's possession after the death of the Prophet (ṣ), then why did Abū-Bakr not give it to Fāṭimah (ʿa) as a gift to make the daughter of the best Prophet and Apostle (ṣ) happy? If the Prophet (ṣ) and his daughter were dear to him he would have done so, similar to what ʿUthmān would later do to his dear one Marwān, whom the Prophet of God (ṣ) had banished from al-Madīnah! If Abū-Bakr's chief concern was how to keep steadfast on the Prophet's policy and did not intend to violate it, whatever the circumstance, why was he apprehensive of deviating?

Would the claim Fāṭimah (ʿa) presented before Abū-Bakr that her father had granted her Fadak not make him think twice before denying it to her? He would have to consider her to have either told the truth or lied. If he believed that what she said was not false then it must have been the truth that Fadak was truly her property. They claim it was necessary to support her case with witnesses or sworn testimonies, according to the prescribed Islamic law. But the judge could pass judgment on the strength of his knowledge of the particulars of the case, as their jurists hold, with the sole exception of criminal cases for which Islamic law has set fixed

1. *Ṣaḥīḥ al-Bukhārī* 2; 131; *Futūḥ al-Buldān* pg. 437; *Al-Futūḥāt al-Islāmiyyah* 2:455; *Al-Kāmil fi'l-Tārīkh* 2:502; *Kanz al-'Ummāl* 4:526; *Sharḥ Nahj al-Balāghah* 12:223; *al-Riyāḍ al-Naḍirah* 1:336; Ibn al-Jawzī, *Manāqib 'Umar* pg. 155.

2. *Al-Kāmil fi'l-Tārīkh* 2:502; Ibn al-Jawzī, *Tārīkh 'Umar* pg. 57.

punishments (*ḥudūd*).[1] Why, then, did Abū-Bakr not rule that Fadak was her property?

The whole issue is deceptive, because Abū-Bakr refused to give Fāṭimah (ʿa) her legacy from her father by invoking a narration that he alone had related from the Apostle of God (ṣ). They hold that it was right to deny her the legacy based on Abū-Bakr's claim, but failed to see how she was the owner of Fadak based on her claim! They behave that way although the book of God bears testimony that Fāṭimah (ʿa) was pure, not to mention that the Commander of the Faithful (ʿa), Ummu-Ayman and Rabāḥ had all testified for her while no one testified for Abū-Bakr about the narration he attributed to the Prophet (ṣ). Another point worthy of note is that Fāṭimah's claim was that her father had given her Fadak as a gift during his lifetime, which did not contradict Abū-Bakr's claim that the Prophet (ṣ) did not bequeath anything because the two claims were mutually exclusive. In addition, Abū-Bakr did not revoke the gifts and properties that the Prophet (ṣ) gave his companions!

To sum up, it is clear that the rulers inherited the Prophet's estate as they would their fathers' properties, thereby denying his noble family and descendants their inheritance. If charities have been made unlawful for the Prophet's family and Abū-Bakr deprived them of their inheritance, their share as Relatives, and the *khums*, then nothing remained for them in the Islamic treasury, leaving them in a worse condition than even the non-Muslim citizens of the Muslim community! The caliph was supposed to spend from the Muslim treasury to provide for old people who do not have any means of sustenance, the weak orphans and the widows who had neither money nor breadwinners, even if they were dhimmīs. This is an established rule accepted by all Muslims, because the Prophet (ṣ) had enjoined them to treat the dhimmis with kindness.

Al-Shāfiʿī admits that Abū-Bakr and ʿUmar revoked the right of the Relatives

Al-Shāfiʿī disagrees with Abū-Bakr and ʿUmar's basis on which they had cancelled the share of the Relatives from the *khums* of the spoils of war, as directly contradicting a clear provision of the Qur'ān and the pure Prophetic practice. He considered suspicious the reports, which indicated that the two men used to give the Ahl al-Bayt (ʿa) some part of the *khums* of the spoils. He arrived at this conclusion: if there is a clear provision in

1. Ibn Ḥazm, *Al-Muḥallā* 9:426.

the book of God on a matter and His Prophet (ṣ) explained it, either by word or deed then they were bound to obey. Al-Shāfiʿī indeed defended the truth and proved the right of the Relatives in a long disputation he had with someone on this issue. In the following passage, we are recounting part of the debate to demonstrate the truth of the matter.

Concerning the right of the Relatives, al-Shāfiʿī addresses his challenger saying: "Their share has been confirmed by two verses of the book of God and by the actions of the Prophet (ṣ) as conveyed in a reliable report. He had awarded rich men who were debt free; such as, ʿAbbās ibn ʿAbd al-Muṭṭalib who was so rich that he used to provide for the descendants of ʿAbd al-Muṭṭalib. This shows that they were entitled to the *khums* by virtue of kinship and not because of need just as he gave the spoils to the people who fought not because of want and people inherit from their deceased relatives by virtue of their relation with them and not because of need. Then, you find the share of the Relatives clearly mentioned in two verses of God's book and backed by the practice of His Apostle (ṣ) but you simply reject it? Should someone oppose you and support the existence of the share of the Relatives and reject those of the orphans, the needy and the travelers, what would be your argument against him if not the same argument that is tendered against you?"

Al-Shāfiʿī continues: "Consider the way the shares of the orphans, the needy and the travelers are spent, and add to them the shares of the Prophet and the Relatives. In that case you would award some of the people for whom God the Exalted has assigned some wealth more than their prescribed portions, while at the same time deny others their due shares. Thus, you would have contradicted the Book and the Prophetic practice in what you award and what you withhold. His reply was that the Relatives had no share in it (i.e. the *khums*).

Our discussions on this matter took various forms, I am only relating what I remember, and I pray for success from God. Another person asked me, 'What is your proof on the matter (i.e. that the share of the Relatives was unalterable)?'

I replied, 'The proof is there in the Book of God and the practice of His prophet(ṣ).'

I cited the Qur'ān and the Prophetic tradition. Sufyān ibn ʿUyaynah related from Muḥammad ibn Isḥāq who said: I asked Abū-Jaʿfar Muḥammad ibn ʿAlī [al-Bāqir (ʿa)] about ʿAlī's policy concerning the *khums*, and he replied that he disposed it the way Abū-Bakr and ʿUmar did. ʿAlī disliked

being accused of contradicting them, and this shows that he held a different opinion from their own but all the same he followed their view,' he continued.

'Do you know that Abū-Bakr used to give out the stipends equally to the people both slave and freeborn, while ʿUmar did not give the slaves anything and discriminated between the freemen, and ʿAlī did not give the slaves anything but he awarded the rest of the people equally?' I asked.

'Yes,' he answered.

'Do you agree that he had contradicted both of them?' I said.

'Yes,' he answered.

'Do you know that ʿUmar has said that the slave women that have borne children for their masters (*ummu-walad*) cannot be sold but ʿAlī disagreed with him?' I said.

He answered, 'Yes.'

I said, 'You know that ʿAlī had disagreed with Abū-Bakr with regard to [the inheritance of] the grandfather?'

'Yes,' he answered.

'Then why did you conclude from that report that ʿAlī held a different view but simply followed their opinion although you know that he might have acted contrary to them in the issues we have mentioned as well as in others?' I said.

Then, he asked further, 'What is the meaning of his statement (i.e. the statement of Muḥammad ibn ʿAlī al-Bāqir (ʿa): He disposed of it the way Abū-Bakr and ʿUmar did?'

'This is a general statement that could take various meanings, and by asking how ʿAlī administered it, you are giving a clue as to how Abū-Bakr and ʿUmar had administered it,' I answered him.

Also, on this question, we have been informed that Jaʿfar ibn Muḥammad related from his father that Ḥasan, Ḥusayn, ʿAbdullāh ibn Jaʿfar requested for their share of the *khums* from ʿAlī and he said to them, 'It is your right but I am now at war with Muʿāwiyah, so if you please you may postpone your claim.'

When I mentioned this report to ʿAbd al-ʿAzīz ibn Muḥammad, he said, 'That is true and that is how Jaʿfar used to relate it. Did he not narrate it to

you from his father and grandfather?'

'No,' I replied.

'I think it must have originated from his grandfather,' he said.

'Is Jaʿfar more reliable and better acquainted with the narrations of his father or Ibn Isḥāq?' I asked.

'Jaʿfar is,' he replied.

Then I made this observation: 'If you consider this report reliable then it must be clear to you that your opinion on the matter differs from mine, and what needs to be established is that Abū-Bakr and ʿUmar had given it (i.e. the *khums*) to its rightful owners.'"

Al-Shāfiʿī continues: Muḥammad ibn ʿAlī's narration of Abū-Bakr, ʿUmar and ʿAlī is of a broken chain of transmission (*mursal*); so I cannot tell whether it is authentic or not. Is it al-Shāfiʿī's statement or that of his challenger? Then why did you cite it as proof? If it really constituted a proof then it is against you and if it did not then you should not have adduced what was not a proof in the first place; you should have disregarded it entirely,' I said.

'Does Jaʿfar's narration mention that he (i.e. ʿAlī) had given them their share of the *khums*?' he asked.

'Is it thinkable that ʿAlī or anyone else below him for that matter would admit that it was theirs and then refuse to give it to them?' I replied.

'Yes, if they willingly relinquished it,' he answered.

'If they were to willingly relinquish the properties they inherit from their fathers and their own earnings will it be lawful for him to take them?' I returned.

'The people of al-Kūfah related something about this issue from Abū-Bakr and ʿUmar. Do you know that?' He asked.

'Yes, they related from Abū-Bakr and ʿUmar something similar to our view,' I said.

'And what is it?' he asked.

I narrated the report thus: Ibrāhīm ibn Muḥammad informed us from Maṭar al-Warrāq and a man whose name he did not mention, both of them related from Ḥakam ibn ʿUyaynah from ʿAbd al-Raḥmān ibn Abī-Laylā who said: I met ʿAlī at Aḥjār al-Zayt and said to him, 'May my father and mother be

your ransom! What has Abū-Bakr done with your right in the *khums*, you the Ahl al-Bayt?'

He replied, 'There was no *khums* during the time of Abū-Bakr, and whatever was available he had given us in full. And ʿUmar did not cease giving us the *khums* until some property arrived from Sūs and Ahwāz (or Fars).

Al-Rabīʿ says: 'I am not sure which place it was. It is mentioned in Maṭar's or the other man's narration.

Then ʿUmar said to us, 'The Muslims are afflicted with want so will you please postpone taking your share so that we may spend it in meeting their needs and repay you when some property comes in?'

ʿAbbās said, 'We shall not encourage him to interfere with our right.'

Then I said, 'O Abu'l-Faḍl, are we not in the best position to respond to the call of the Commander of the Faithful for the eradication of destitution among Muslims?'

ʿUmar passed away before he could come by any property from which he could pay us.'

In Matar's, or the other man's narration, Ḥakam related that ʿUmar said [to the Ahl al-Bayt], 'You have a share but when it accumulates I do not know whether it can still be entirely your own. If you like I will give you from it as much as I consider your right.'

[Then ʿAlī said], 'We refused anything short of the whole and he refused to give us all of it.'

Ḥakam was relating that Abū-Bakr and ʿUmar had indeed given the Relatives their due, but concerning ʿUmar's actions, the narration comes in different versions. One says that he used to give them their due until some property was brought from Sūs when he sought their permission to defer its disbursement for the benefit of [the poor Muslims], and this version indicates that it was their right whether small or large. Another version says that ʿUmar used to give it to them and when it became considerable he offered them a fraction of it which he thought they deserved, thus, according to this version, he gave part of their due. Al-Zuhrī also relates something similar from Ibn Hurmuz from Ibn ʿAbbās from ʿUmar.

Then my contender said, 'How can the share of the Relatives be given to them while what has been narrated about it from Abū-Bakr was not in agreement with what has been narrated from ʿUmar? How can it be the

right of a certain group of people while there is no clear proof that the two men had awarded it to them clearly and unequivocally?'

'You have spoken like an ignorant person,' I replied.

'In what way?' he asked.

'This narration proves that Abū-Bakr had given them their entitlement and that ʿUmar also used to give them before its amount became great; he only disagreed with Abū-Bakr where the amount was large. Please reflect on the opinions of the learned men of old or of the present time with regard to anything clearly mentioned in the book of God and explained in the speech or action of His Apostle. Do they not consider further inquiry unnecessary? In such cases, do the people of knowledge not recognize that their duty towards God was simply to comply?' I asked.

'Yes,' he answered.

I said to him, 'Do you find the share of the Relatives mentioned in the two verses of the Qur'ān and elucidated in the sayings His Apostle (ṣ)? Do you not see that his action in that regard, as reported in the narrations, was an established fact because of the reliability of the narrators coupled with the continuity of the chain of transmission of their narrations, and that the narrators were all related to the Prophet (ṣ)? Al-Zuhrī was a descendant of his maternal aunt, Ibn al-Musayyab was a descendant of the maternal aunt of his father and Jubayr ibn Muṭʿim was a descendant of his nephew, and all of them were his close relations. Despite their nobility and kinship ties with the Prophet (ṣ), they inform us that they were not included in this privilege while others enjoyed it. Jubayr ibn Muṭʿim even relates that he had sought that right together with ʿUthmān but Abū-Bakr and ʿUmar rejected their request although their family bonds with the Prophet (ṣ) were of the same degree as those of the descendants of ʿAbd al-Muṭṭalib who had been granted the *khums*.'

'Yes,' he affirmed.

I continued, 'When do you ever find a precept which has been established by a Qur'ānic ordinance and sound narrations from the Prophet (where these proofs from the Prophetic practice have not been contradicted by other arguments that derive from him) invalidated? Why do you intend to invalidate an oath that is reinforced by a witness by saying that there are manifest (*ẓāhir*) provisions of the Qur'ān that are contrary to these proofs, while in reality there are no such provisions? Moreover, we find that the Qur'ān is explicit on the two rules concerning the share of the Relatives

from the *khums,* and this is supported by the Prophet's practice. Do you then intend to revoke both the Book and the Prophetic practice? Do you know of a position more deserving to be discarded than this view of yours?'

I further said, 'Should someone challenge you with the same arguments as you apply and say: I have seen that you have revoked the share of the Relatives from the *khums*, so I will revoke those of the orphans, the needy and the travelers, what would you say?'

'He has no right to do so,' he answered.

'Should he task you to prove that the Prophet (ṣ) had given them (i.e. the orphans, the needy and the travelers), or that Abū-Bakr and ʿUmar, or one of the two, had given them their share, how would you answer him?' I asked.

'There is no reliable report to that effect either from the Prophet (ṣ) or from those after him. However, we must know that the Prophet (ṣ) had given those for whom God has assigned the shares and Abū-Bakr and ʿUmar have followed his example, by God's will,' he replied.

'What will be your response if one should tell you that, since you believe that you can give out the shares of the Prophet (ṣ) and his relatives to the orphans, the needy and the travelers, and you are permitted to divide the *khums* among three categories although God has divided it among five? Will you give it all to the Relatives, because the Qur'ān mentioned them before mentioning the orphans, the needy and the travelers, or because they were better known than the other three groups. Or, because it is mentioned in the narrations that the Prophet (ṣ) had awarded the Relatives, while there is no similar report mentioning that he had given the four groups together, nor do such narrations exist that Abū-Bakr and ʿUmar had done so.'

'No one has that right,' he replied.

'Why?' I asked.

'Because God has awarded it in five categories and it is not permissible to give it to only one,' he replied.

'Then since God has assigned it to five groups of people how can it be permissible for you to give it to three groups while the Relatives are there?' I asked.

'Probably they enjoyed that right while the Prophet (ṣ) was alive because of their special position with him and when he died it came to an end,' he

replied.

‘Can a scholar argue like this?’ I asked.

‘Why cannot he do so if there is such a probability even though it might not have been mentioned in the reports or alluded to?’ he answered.

Then I said to him, ‘How would you respond, if an ignorant person throws a similar argument and says that the orphans, the needy and the travelers would have nothing after the demise of the Prophet (ṣ) because that share was for the orphans of the Migrants and the Helpers? Although, they were few in number compared to the polytheists, having abandoned their children and kinsmen, severed all ties with their people and chose to be the party of God, this portion of the *khums* was intended for the orphans, the needy and the travelers from among them. When the Prophet (ṣ) passed away and the people embraced Islam in mass, we witnessed new converts, who had neither seen the Apostle of God (ṣ) nor were their fathers among the vanguard that helped him, evincing deep faith and possessing great merit. We can conclude that the condition of Muslims had become homogenous and, therefore, the orphans, the needy and the travelers would no longer be given any special support.’

‘He can’t say this,’ he replied.

‘Why not?’ I said.

‘Because if God the Exalted has allocated something for specific classes of people, His allocation remains in force till the Day of Resurrection,’ he replied.

‘God has allocated a share for the Relatives, so why don’t you consider it to be in force till the Day of Resurrection?’ I asked.

‘What prevents you from holding the view that the Relatives can be given that share on account of need, so that the debtor can settle his debts, the unmarried can take a spouse and the one who lacks a servant can have one, but the rich would not have anything?’ he said.

‘What prevents me is this: I have seen that the book of God has mentioned the Relatives where He discussed the *fay'*. I have seen the Prophetic practice, which clarifies the book of God, upholding a different view from the one you espouse. In addition you are opposed to what you are now calling for because you believe that the Relatives deserve nothing at all.’ I replied.

‘I do, but where are the proofs of your claim?’ he asked.

'The saying of God the Exalted: *...and for the Apostle and for the relatives*. Do you know whether he gave them for any reason other than kinship?' I said.

'No,' he said, 'but he might have given them as kinsmen who were needy.'

'What do you have to say if he has awarded it to someone among the Relatives who was rich and [therefore] neither in debt nor needy, one who used to provide for all his family and generously spend on others from the vast resources God had bestowed on him?' I returned.

'In that case my conception of the matter will be untenable,' he admitted.

'The Prophet has awarded Abu'l-Faḍl ʿAbbās ibn ʿAbd al-Muṭṭalib who was so rich that he used to support the whole of the Muṭṭalib family and even others.' I continued.

'If he had given a rich man then there is no meaning to my assertion that he might have given them on account of need.' he said.

Then I took up the issue from a different angle and said, 'Should someone still challenge you by saying that, concerning the spoils of war, God the Exalted has said: *a fifth (khums) of it is for God*... and from this we infer that the four fifths were for those who were not entitled to the *khums*. We have seen that His Apostle (ṣ) awarded them to the soldiers who participated in the battle. Now it was probable that he might have given it to them because of their participation or because they were needy or because of both, therefore, we can conclude that he had given out the four fifths only to the poor among the soldiers who went to the battle. Your challenger may even say that it was probable that he rewarded heroism and velour, so he might have awarded it to men who displayed gallantry and left out those with little capability in battle; or, he might have given it to those soldiers who were both capable and needy. What will you say?'

'This is not acceptable because the Prophet (ṣ) awarded three shares to a horseman and one to a foot soldier,' he replied.

'Can we say that he might have treated the horseman and the foot soldier thus, keeping in view the qualities we have just mentioned?' I asked.

'Since it has been reported that he awarded them in this way, it constitutes a general provision and only another report from the Prophet (ṣ) indicating that it was specific can alter its general nature. Therefore, this policy of the Prophet affects (ṣ) the rich and the poor, the cowardly and the bold, because they were awarded the said shares on account of their participation

in battle,' he responded.

'Therefore, the proof that the Relatives were given their share on account of their kinship ties with the Prophet (ṣ) was as obvious as the one you mention or even more evident,' I said.

I continued, 'What do you think if someone should argue that the spoils that were gained during the lifetime of the Prophet (ṣ) were meager so when large amounts of wealth are taken in subsequent battles we shall allow the soldiers to have only as much as their counterparts used to have during the time of the Prophet (ṣ)?'

'It is not acceptable,' he replied.

'God knew that the soldiers would sometimes come by small amounts of spoils and at other times considerable amounts, so if the Prophet (ṣ) states that they should have four fifths of it, there should be no difference whether it was small or large, whether they were few or numerous, rich or poor.'

'Then, why don't you maintain the same view with respect to the share of the Relatives?' I asked.

Then I asked him another question. 'Suppose a small band of soldiers launches a raid on Roman territory and takes such spoils that the share of each soldier amounts to 100,000 [dirhams]. Another party attacks Turkish land without getting a single dirham after a fierce battle. Would it be permissible to take from the large amount which the small band gained from Roman territory without a fight and spend it on the large numbers of their Muslim brothers who had faced a fierce battle in Turkey and gained nothing?'

'No,' he replied.

'Why is that so, are they not both fighting so that the word of God should be supreme?' I asked.

'A law that has been laid down by the Prophet (ṣ) will not change on account of some consideration or cause,' he replied.

Then I said to him, 'This is the same as what I have said concerning the shares of inheritance which God the Exalted has revealed [in the Qur'ān] and others that have been related by some companions of the Prophet (ṣ).'

'What was that?' he asked.

'It is possible that they may inherit because of some service they had

rendered to the deceased while he was alive, which he wished to have them repaid after his death, or he might have wished to do them some good turn, or for their standing before him, or some other feature they might have had but others lacked. Would it not be right that those who were dearer and more helpful to him before and after his death, or more needful of his estate, or more aggrieved by his death, should be given the share of those who treated him badly during his lifetime and [would] mismanage his estate after his death or were needless of the inheritance?

'He has no right to do that. He must give whatever God the Exalted assigns for the people to whom He has assigned it,' he said.

'Has God divided the spoils, the *fay'* and the inheritance among designated beneficiaries and not on account of need?' I asked.

'Yes,' he replied.

'Then He might have also given both the rich and the poor from the *fay'*?' I said.

'Yes,' he said, ''Uthmān and ʿAbd al-Raḥmān who were known to be rich received their shares; they were not denied it because of their wealth.'

I said,' The share of the Relatives has been prescribed in the Book and the Sunnah, and it is more obvious than the orphans and the travelers, so why have some less important recipients been introduced into this share although they are not supposed to be joined with the Relatives?'

On hearing this question my challenger and some of those who share his view said, 'We have seen that it is confirmed that that introduction has been brought about by Abū-Bakr and ʿUmar.'

'Should we not be contented with the Book and the Sunnah?' I asked.

'Yes we should,' he replied.

'If there is no sound narration showing that Abū-Bakr or ʿUmar had given the orphans, the needy and the travelers their due would you cancel their shares?' I asked.

'No,' he answered.

I recounted part of our debate with my challenger, about the share of the Relatives, to a number of scholars among our companions, and all of them said, 'If a rule certainly comes from the Prophet (ṣ) the duty of mankind toward God the Exalted is to obey and follow the established proof. Whoever presents anything that does not originate from the Prophet (ṣ) in

order to contradict that proof has erred. If the proof is based on the book of God then it becomes even more incumbent to follow and no one should challenge it. And the share of the Relatives is grounded in the Book and the Sunnah."[1]

And Finally

Fadak fell into the hands of the kings of the Umayyads, who treated it as they wished. It changed hands between them by inheritance, feudal arrangements, gifts, business deals and through sheer force of arms, until ʿUmar ibn ʿAbd al-ʿAzīz ascended the throne and kept the property, but returned its proceeds to the descendants of Fāṭimah (ʿa). Yāqūt writes: When ʿUmar ibn Abd al-ʿAzīz became caliph he wrote to his governor in al-Madīnah commanding him to return Fadak to the children of Fāṭimah.[2]

The Umayyads blamed and criticized him saying that his action was tantamount to a condemnation of Abū-Bakr and ʿUmar, the first two caliphs. When a group of the people of al-Kūfah called on Ibn ʿAbd al-ʿAzīz and reproached him, the caliph said, "Are you unaware, or have you forgotten, while I know and remember what Abū-Bakr ibn ʿUmar ibn Ḥazm narrated to me from his father, and his grandfather. He said that the Apostle of God (ṣ) said, 'Fāṭimah is a piece of my flesh, what annoys her annoys me, what pleases her pleases me.' You do not know that Fadak was intact during the reign of Abū-Bakr and ʿUmar, before it was transferred to Marwān, who later gave it to ʿAbd al-ʿAzīz, my father. Then I inherited it from him, together with my brothers. I asked them to sell me their shares of it; some sold them to me while others just gave them, and in this way, I possessed the whole of Fadak. Then I decided to restore it to the descendants of Fāṭimah (ʿa)."

The men said, "If you insist on carrying out your plans, then keep the ownership of the property for yourself and give out the proceeds," and he consented.[3]

Yāqūt says: When Yazīd ibn Muʿāwiyah became caliph, he took it from them and it remained in the hands of Marwān's descendants, who passed it around as before, till the caliphate slipped from their hands. When Abu'l-ʿAbbās al-Ṣaffāḥ seized power, he handed Fadak to ʿAbdullāh ibn Ḥasan

1. *Kitāb al-Umm* 4:155, *Mukhtaṣar al-Māzinī* pg.151.

2. *Muʿjam al-Buldān*, under the entry: Fadak.

3. *Sharḥ Nahj al-Balāghah* 4:81.

ibn Ḥasan, then Abū-Jaʿfar [al-Manṣūr] grabbed it after the conflicts that emerged among the descendants of Ḥasan. Later, al-Mansur's son, al-Mahdī, returned it to Fāṭimah's descendants. Thereafter, al-Mahdī's sons Mūsā and Hārūn seized and kept it until Ma'mūn became caliph, and he gave it back to the Fāṭimids.

Abū-Bakr says: Muḥammad ibn Zakariyyā reported that Mahdī ibn Sābiq said: One day, al-Ma'mūn granted a court session for public complaints and when he gazed at the first application that entered his hand he wept, and commanded his orderly to call out: "Where is Fāṭimah's agent?" Then an old man, clad in a cloak and a turban, wearing a pair of shoes full of holes stood up and came forward. He entered into debate with Al-Ma'mūn concerning Fadak and each man presented his arguments against the other, until finally, al-Ma'mūn gave the orders for a document to be written in the man's favor. It was written and read out for the old man to hear and the orders, therein, were executed.

The author of *Futūḥ al-Buldān* writes: In the year 210 A.H., al-Ma'mūn commanded ʿAbdullāh ibn Hārūn al-Rashīd to restore Fadak to the descendants of Fāṭimah (ʿa). He wrote the following to Qutham ibn Jaʿfar, his governor in al-Madīnah: The *Commander of the Faithful*, from his position in God's religion, and as vicegerent of the Apostle and his kinship ties with him, considers himself more deserving to uphold the Prophetic tradition, carry out his commands, and hand over any gifts and charities he had awarded, to whom they were granted. And from God does the *Commander of the Faithful* seek success and protection, and desires the support, to enable him do the deeds that will earn him nearness to God.

The Apostle of God (ṣ) indeed, bestowed Fadak on Fāṭimah (ʿa) his daughter. He had given it to her as a gift. This action was evident and well known to all and there is no disagreement between the members of the Family of the Prophet (ṣ) in this regard. Claims for it have not ceased, and genuine arguments are still proffered. So, the *Commander of the Faithful* has decided to restore it to her heirs and hand it over to them, as a token of his seeking nearness to God by dispensing the justice He has commanded, and to the Apostle of God (ṣ) by executing his orders concerning his charities. Thus, the *Commander of the Faithful* has commanded that this edict to be documented in his bureau and dispatched to his officers.

If the call was being made at all festivals—after the demise of the Prophet (ṣ)—that whoever had a claim that the Prophet (ṣ) had awarded him a charity, or a gift or a promise should come forward and say it, and it would

be accepted of him and carried out, then Fāṭimah (ʿa) was more deserving of credibility. In this regard, the *Commander of the Faithful* has written an order to Mubārak al-Ṭabarī, his servant, commanding him to restore Fadak to the heirs of Fāṭimah (ʿa) the Prophet's daughter, the whole land, all the rights that pertain to it, the serfs, the produce and all else. He should submit everything to Muḥammad ibn Yaḥyā ibn Ḥusayn ibn Zayd ibn ʿAlī ibn Ḥusayn ibn ʿAlī ibn Abī-Ṭālib and Muḥammad ibn ʿAbdullāh ibn Ḥasan ibn ʿAlī ibn Ḥusayn ibn ʿAlī ibn Abī-Ṭālib, because the *Commander of the Faithful* has commissioned them to administer Fadak on behalf of its owners.

Inform the people around you of the decision God has inspired the *Commander of the Faithful* to take in the matter, and treat Muḥammad ibn Yaḥyā ibn ʿAbdullāh the way you used to treat Mubārak al-Ṭabarī, and help the two [new agents] to work for the proper development of the property so that its proceeds will be abundant, God willing. Peace.

This document was written on Wednesday the 3rd of Dhu'l-Qaʿdah 210 A.H. When al-Mutawakkil became the caliph he returned Fadak to its former state before al-Ma'mūn's time.[1]

'Umar's contradicting the Prophetic practice concerning the Spoils and the fay'

We have discussed the verse on *khums* before, and here we are going to point out to some other important issues. ʿUbādah ibn Ṣāmit says: After the battle of Badr, God the Exalted revealed the verse: *Know that whatever thing you may come by a fifth of it is for God and the Apostle, and for the relatives, the orphans, the needy and the traveler.* Thus, God the Mighty and Sublime divided the spoils Himself as He divided the charity (*zakāt*). The first spoils from which the Prophet (ṣ) took the *khums* after that of Badr were the spoils of the battle of Banū-Qaynuqāʿ.[2]

Abū-Mūsā says: When we called on the Prophet (ṣ) after the conquest of Khaybar he gave us a share of the spoils but he did not give anyone else who did not participate in the battle.[3]

Abū-Hurayrah reports that the Apostle of God (ṣ) said, "Any township you

1. *Maʿālim al-Madrasatayn* 2:210 (quoting from *Futūḥ al-Buldān* 1:37, 38).

2. Abū-Yaʿlā, *al-Aḥkām al-Sulṭāniyyah* pg.150 (quoting in the margins from Al-Māwardī's *Al-Aḥkām al-Sulṭāniyyah* pg. 139).

3. *Ṣaḥīḥ al-Bukhārī* 5:175.

enter and stay in, your share is in the properties therein, and any township that defies God and His Apostle, the one-fifth of its spoils belongs to God and His Apostle, and the rest is yours."[1]

The Prophet (ṣ) said, 'Spoils are for those who participate in battle."[2]

Abū-Yaʿlā says: The lands that are conquered by Muslim soldiers fall into many categories, some of which are:

1. Lands taken by force from their inhabitants who are killed, taken captive, or made to flee: There are two narrations which ʿAbdullāh related in that regard, one of which says: such lands are considered spoils to be divided among the soldiers the way they share movable properties, unless where the vanquished party consent to leave their lands peacefully, in which case they shall become endowments to be spent on the public good of the Muslim community.

This is how Aḥmad ibn Ḥanbal puts it: Every piece of land that is taken by force is for the soldiers who fought for it similar to the case of movable properties. Four parts are distributed among them, and a fifth for God and His Apostle, the Relatives, the orphans and the needy, just like other properties. (Abū-Bakr al-Khallāl quoted this in *Al-Amwāl*)[3]

Concerning the method of dividing those lands, Abū-Yaʿlā says: After giving the soldiers what they had plundered from the enemy of what was found on their persons, the leader will first deduct one fifth (*khums*) of the whole spoils, divide it into five shares and distribute it among the people who are entitled to it. On this point, there is no difference in the reports. Where they differ is on whether the one fifth should be deducted from the property that is taken as *fay'*. After deducting the *khums* and small gifts, the rest of the spoils are distributed among the soldiers who participate in the particular battle. The spoils are the entitlement of the soldiers, so the commander, or whoever distributes it has no say in the matter, nor is it permissible for those who did not take part in the battle to have anything.[4]

These narrations show that the Prophet (ṣ) used to divide the *khums* into six parts; those who mention five parts consider the shares of God and His apostle as a single share, and the majority of Sunni scholars hold this view.

1. Abū-ʿUbayd, *Al-Amwāl* 1:62.

2. Al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah* pg. 151.

3. Abū-Yaʿlā, *Al-Aḥkām al-Sulṭāniyyah* pg. 146.

4. Abū-Yaʿlā, *Al-Aḥkām al-Sulṭāniyyah* pg.150, 151.

However, ʿUmar ibn al-Khaṭṭāb exercised his independent judgment in direct contradiction with clear texts of the Qur'ān and the Prophetic tradition. He distributed the immovable properties among the soldiers who gained the spoils but, without their consent, he left the lands undivided and failed to share out the *khums*, as the Prophet (ṣ) was wont to. On the day Iraq was conquered, ʿUmar wrote to Saʿd ibn Abī-Waqqāṣ, "I have received your letter, which said that the people have requested that the spoils and the *fay'* be distributed among them. Divide the weapons and money among the Muslim soldiers who were present in the battle and leave the lands and rivers in the hands of the tillers. Let them remain as part of the commonweal of the Muslims because if we divide them among those who are present today those who will come later will not have anything."[1]

However, the soldiers disliked ʿUmar's policy of dividing the spoils. Ibrāhīm al-Taymī says: When the Muslims warriors conquered the region of al-Kūfah and al-Baṣrah, they said to ʿUmar, "Divide the land among us for we conquered it by force," but he refused their request and said, "What will be the share of later generations of Muslims? I fear that if I divide it among you, it may spoil your relationship because of disagreements that may arise concerning the supply of irrigation water."

Thus, he permitted the original inhabitants of Iraq to keep their lands, and he imposed the *jizyah* on them and the land tax (*al-kharāj*) on their lands.[2]

Concerning the villages, which they had conquered by force, Bilāl said to ʿUmar, "Divide them among us and take their one fifth," to which ʿUmar replied, "No. I will dedicate these properties to the Muslims."

Bilāl and his companions reiterated, "Divide it among us."

ʿUmar said, "O God, support me against Bilāl and his companions."

Bilāl said, "What is the situation of the cross-eyes? There are still among the Muslims eyes that can wink."[3]

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1. Abū-ʿUbayd, *al-Amwāl* 1:65.

2. *Ibid.*

3. *Ibid.* This objection of Bilāl -who was a strong supporter of the Ahl al-Bayt (ʿa)- is not confirmed from Shīʿah sources. Moreover, according to the Shīʿite view, the law governing the tenure of lands that have been conquered by force is that they are a common weal of the Muslims; they can neither be owned by individuals, nor be sold. Farmers are allowed to till them in lieu of the payment of land tax. Perhaps Bilāl's objection was about the method of their distribution and the author's conclusion that the policies of the second caliph had contradicted the

You can see that the entreaty to God against Bilāl was an exaggeration of the issue, and this portrays the spirit of extremism that ʿUmar evinces in his disobedience of the Prophet of God (ṣ).

When Egypt was conquered by force, Zubayr said to the conqueror, "O ʿAmr ibn al-ʿĀṣ, divide its lands."

"I will not." ʿAmr replied.

"You must divide it as the Prophet (ṣ) divided the land of Khaybar," Zubayr said.

"I will not divide it till I write to the *Commander of the Faithful*," ʿAmr returned.

Then he wrote and asked ʿUmar, and the latter wrote back, "Keep it intact and let it be an endowment for the Muslims."

Abū-ʿUbayd says: Continuous transmitted narrations (*mutawātir*) that have been reported about lands that were conquered by force portray these two rules: The first was the decision of the Apostle of God (ṣ) concerning Khaybar in which he considered it as spoils, deducted the one fifth and divided the rest. This was the opinion that Bilāl suggested to ʿUmar to uphold, regarding the lands of Shām and it was the same view that Zubayr ibn ʿAwwām asked ʿAmr ibn al-ʿĀṣ to implement in Egypt…[1]

It is accepted by Islamic law for one scholar to oppose the viewpoint of another, or for a scholar to prefer the opinion of one jurist over that of another, or even to support the stand of one jurist who opposes another, if this is done within the limits of legal principles. However, the greatest catastrophe that dwarfs all other monstrosities is for such practices to reach the level of preferring the policies of ʿUmar to the Holy Prophet's practice. ʿUmar's supporters are not satisfied with this; they even defend his opposition to the Apostle of God (ṣ) and consider his conduct the prescribed norm rather than that of the Prophet (ṣ). They say: "The action of the Prophet (ṣ) cannot invalidate that of ʿUmar!"

The defenders of ʿUmar's action claim that the two different rules of tenure of lands, that have been taken by force, are derived from two perspicuous (*muḥkam*) verses of the Qur'ān and the Apostle of God (ṣ) may have acted according to one and ʿUmar, the other. The verse, which the Prophet (ṣ)

Prophetic precepts is to be viewed in that light.

1. *Ibid.*

acted upon was: *Know that whatever thing you may come by a fifth of it is for God and the Apostle, and for the relatives…*

The one ʿUmar invoked was: *The spoils that God gave His Apostle from the people of the townships are for God and the Apostle, the relatives, the orphans, the needy and the traveler so that they do not circulate among the rich among you. Take whatever the Apostle (ṣ) gives you and relinquish whatever he forbids you and be wary of God. Indeed God is severe in retribution.* [Sūrah al-Ḥashr, verse 7]

This claim is false as what they did was a clear distortion of the meanings of the two verses in order to cover up ʿUmar's contravention of the Prophetic practice. However, the fact that he had openly contradicted the Prophet's code was there for all to see, and a moment's reflection on the issue will reveal beyond doubt that the people who tried to justify those actions, in reality, committed a crime against the Glorious Book and the Prophetic Practice. Otherwise, how can ʿUmar's policy on the general spoils be the same as that on the *fay',* while the two verses talk about two issues that are governed by different rules? The first verse talks about the rule for the properties of the non-believers that the Muslims take by force of arms, and other sources of wealth such as, mines, pearl-fishery, treasure-troves and profits from business. The second verse pertains to the rule governing *fay'* which denotes the properties that are taken from the non-believers by way of a peace treaty or after they have fled their lands on exile.

To conceal the violators of the Prophetic practice and justify the policies of Abū-Bakr, ʿUmar and ʿUthmān, their defenders have mixed up the issue of general spoils and the issue of *fay',* and assumed that they were the same thing.

Ibn Kathīr says: Those who consider that the general spoils are a different thing from the *fay'* hold that the first verse was revealed in relation to the *fay',* and the second concerning spoils in general. Those who think that the question of both *fay'* and assorted spoils was a prerogative of the ruler, believe that there is no incompatibility between the provisions of verse 7 of Sūrah al-Ḥashr (no. 59) and the law of deducting one fifth from war spoils, if the ruler so decides. God knows best.[1]

When one gives a little thought to the statement: "Those who think that the question of both *fay'* and assorted spoils was a prerogative of the ruler," the

1. *Tafsīr Ibn Kathīr* 4:506.

truth of the matter will become very clear.

Some scholars assert that the verse of *khums* had abrogated the verse of *fay'*! Ibn Kathīr quotes Qutādah's view on the verse of *khums* and observes: This is very unlikely, because this verse was revealed after the battle of Badr, while the other one was revealed concerning the Banu'l-Naḍīr, and the biographers are unanimous that the affair of the Banu'l-Naḍīr took place after the battle of Badr, and no one doubts this.

Abū-ʿUbayd pointed out the (deliberate) differences of opinion of scholars on the lands that are conquered by force. He says: It was concerning these properties that the Muslims differ. Some scholars say that the rule governing them is the same as that which applies to immovable properties that are taken as spoils; one-fifth is deducted and the rest divided, i.e., four-fifths are parceled into plots and distributed only among the soldiers who have conquered the land. The one fifth will then go to the categories that God the Exalted has mentioned. Others are of the view that the ruler has the right to decide on their fate. If he likes he can consider them as spoils of the general variety in which case he should deduct one fifth and divide the rest like what the Apostle of God did with the lands of Khaybar. Alternatively, he can treat them as *fay'* and leave them intact without deducing the one fifth or parceling them out, but then they will be endowments that are to be the common weal of Muslims for all ages, as ʿUmar did in the case of the *al-sawād* (lands of Iraq).[1]

From what Abū-ʿUbayd quoted, it is clear that those scholars who considered the lands that have been taken by force of arms and those taken as *fay'* as one and the same thing, arrived at this view by invoking the conduct of ʿUmar ibn al-Khaṭṭāb which was opposed to the Holy Prophet's practice.

ʿUmar keeps the properties of Chosroe for himself

Abū-Yaʿlā writes: From the land of *al-sawād,* ʿUmar chose for himself the properties of Chosroe and his family and the properties of the people who had fled or died. Its annual produce was 6,000,000 dirhams which he used to spend on the welfare of the Muslims (in line with his independent opinion), and he did not award any part of it in feudal tenure. Thereafter, ʿUthmān gave it out under feudal titles because he thought that it would enhance its produce. He placed a condition that the landlords should pay a fee to cover the *right of fay'* (as the lands were supposed to be the common

1. *Al-Amwāl* pg. 55.

weal of the Muslim nation) thereby making the arrangement resemble a rent rather than feudal proper. As a result, it gave abundant produce reportedly reaching 50,000,000 dirhams per annum, from which he made his gifts and donations. Then the caliphs who succeeded him passed it from one unto the other. In the year 82 A.H. (which was known as the year of Jamājim) when Ibn al-Ashʿath caused a civil strife, the registry was burnt down and every group of people grabbed the sections coterminous with their properties.

Ibn ʿĀbidīn says: ʿUmar chose for himself the properties of Chosroe and his family, the properties of all those who had fled their lands or were killed in battle, as well as every dried up marshland and every forest. He used to give it out in feudal titles to whoever he wished.[1]

Al-Ṭabarī reports: Chosroe's treasury (i.e. the money that was found in his vaults) was 9,000,000 dirhams.[2]

These reports show that ʿUmar ibn al-Khaṭṭāb and ʿUthmān ibn ʿAffān had taken large amounts of wealth, although their partisans had tried to clear them of blame. However, the reality was something else as the two men had converted the *ṣafāyā* (choice portions of wealth) into their personal properties instead of keeping them as the Muslims' common wealth. The explanation they give that ʿUthmān's gifts served the common good of Muslims was a blatant misrepresentation of facts, for who does not know ʿUthmān's fiscal policy?! What caused his death if not his avid desire of wealth and monopoly, and his act of empowering Umayyad lads to lord it over the Muslim nation and devour its resources, *the way camels munch fresh sprouts of spring*? ʿUthmān's feudal land policy to which he subjected the *ṣafāyā* benefited his relatives and not the generality of Muslims, and surely, his intention was to promote the welfare of the beneficiaries alone.

The *ṣafāyā* were the Apostle of God's private property, which he shared with no one, as dictated by the unequivocal provisions of the Glorious Book and the Prophetic Practice.[3] Sunni jurists maintain that the law of *ṣafāyā* ceased to apply on the death of the Prophet (ṣ) as we noted previously, and this is the cause of a serious confusion in the issue of the

1. *Al-Aḥkām al-Sulṭāniyyah* pg. 230, 231; *Radd al-Muḥtār* 4:375 (in the margin Al-Nawawī's *Al-Majmūʿ* 15:230).

2. *Tarīkh al-Ṭabarī* 3:121, 124.

3. Abū-Yaʿlā, *Al-Aḥkām al-Sulṭāniyyah* pg.230, 231.

ṣafāyā, and this is the reason why it became mixed up with *anfāl*, *fay'* and general spoils of war. However, the conduct of the rulers who came after the Prophet (ṣ), shows that they had taken it over anyway, for otherwise, what does *'Umar took Chosroe's properties for himself* mean? This is a clear and unequivocal indication that ʿUmar had chosen for himself the *ṣafāyā* that were the Prophet's property and was disposing of them as though that was part of the exclusive rights of the ruler, so that he could spend it as he pleased. The contention is the ṣafāyā that ʿUmar took from the lands of Persia and other places after their conquest. It pertains to their ownership, and not the people on whom they were spent. Were they the commonweal of all Muslims or the property of the caliph? Reports indicate that the *ṣafāyā* were the caliphs' property and not the commonweal, and the assertion, that ʿUmar and ʿUthmān were spending the *ṣafāyā* on general Muslim welfare, is another question. Look at what some scholars say: *...from which he made his gifts and donations*. *Then the caliphs, who succeeded him, passed it between themselves.*

This means that the two men were dispensing those properties on the understanding that they were owned by the caliph and not by the Muslim community. The following report by al-Bukhārī suggests the point we are raising: As for Khaybar and Fadak, ʿUmar took them over. He said that they were the Apostle of God's endowments and they were kept aside for his present needs and for contingency plans, and that he had ordered that they should pass on to the ruler. They have remained for that purpose to this day.

Abū-Yūsuf writes in *Kitāb al-Kharāj*: After the passing away of the Apostle of God (ṣ), people differed concerning these two shares: that of the Apostle and that of the Relatives. Some say that the Apostle's share was for the caliph who succeeded him…

Others say that the share of the Relatives should go to the relatives of the caliph after him, so they agreed that the two shares should be spent on warhorses and arms.

They also said that whatever the Prophet possessed should pass on to the caliph and we have discussed this assertion before.

Considering the conduct of Abū-Bakr and ʿUmar, their partisans cannot conceal the fact that the caliph was the sole heir to the Prophet's estate to the exclusion of his family. This is the bitter outcome of the issue of the Prophet's estate, or *charities*, as they designated them.

Finally, it is pertinent to ask why ʿUmar considered it permissible to dispose of the Prophet's *ṣafāyā* according to his own judgment, acting as their owner, and then later, ʿUthmān gave them to his relatives as gifts. A perusal of biographical and historical works will show that the kings have disposed of the Prophet's *ṣafāyā* properties by awarding them to whomever they pleased in direct contradiction to the Prophet's Practice. Thus, those properties became fragmented into feudal estates, gifts, etc., and, finally, the people plundered whatever remained of them that was contiguous with their own properties, as we have seen in previous narrations.

Indeed, we belong to God and to Him will we return!

The wrongdoers will soon know what goal they end up at.

CHAPTER FOUR
ABŪ-BAKR CHALLENGES FĀṬIMAH OVER HER LEGACY

Before we start

The circumstances, under which the history, biography and *ḥadīth* of the Prophet (ṣ) were recorded, were anything but normal. They were recorded after the Islamic community had already been engulfed by dark waves of discord and civil strife; its social fabric had been torn apart by sectarianism; its wickedest men had taken control of the reigns of power; and oppression and injustice had become the order of the day. Historians, biographers, and scholars of *ḥadīth* were not free to record all the facts they knew, especially those that pertained to the Ahl al-Bayt (ʿa). In the early period of Islam after the passing away of the Prophet, the foundations of authority were propped up on the usurpation of the caliphate from the Ahl al-Bayt (ʿa) and by negating their financial rights; therefore, they were always opposed, surrounded and fought.

In spite of that, a perusal of the major works of non-Shīʿah Muslim historians, biographers and transmitters of Prophetic traditions will reveal many facts, both sweet and bitter, which came to light, albeit with difficulty, and lifted the veil off the reality of events, thereby exposing the truth. In addition, there is the legacy of the Ahl al-Bayt (ʿa) that is replete with facts, which has been meticulously recorded by their faithful partisans and followers.

Denying Lady Fāṭimah (ʿa) her inheritance meant suspending the Islamic Law

We have seen in previous sections how Lady Fāṭimah (ʿa) and her husband, the Commander of the Faithful Imam ʿAlī (ʿa), met Abū-Bakr and demanded her inheritance. It has been reported that ʿUmar ibn al-Khaṭṭāb said, "On the day the Apostle of God (ṣ) died, the people paid allegiance to Abū-Bakr as caliph, and on the following day, Fāṭimah came to him accompanied by ʿAlī and said, 'I want my inheritance from my father the Apostle of God.'

'[Are you asking for your inheritance] of old clothes or of necklaces?' Abū-Bakr said.

'[I am asking of] Fadak, Khaybar and his properties in al-Madīnah. I will inherit them as your daughters will inherit your property when you die,' she said.

Abū-Bakr always gave some excuse or other to turn down Fāṭimah's request for her right, to bring her dispute with him to a close. To call a spade a spade she stressed on her legacy from her father, because all the other things she had demanded were to be found within the estate her father had left behind. Fāṭimah (ʿa) had proved her case by invoking the Book and the Prophetic Practice and because Abū-Bakr found himself incapable of refuting her arguments he became embarrassed and threw up a claim no one had ever imagined or heard of. He said to her, 'I have heard the Apostle of God (ṣ) say: We do not bequeath anything; whatever we leave behind is charity.'

The family of Muḥammad can only have their sustenance from this property."

Lady Fāṭimah (ʿa) began to despair of ever getting back her right, because she realized that the issue had now assumed dangerous dimensions. For her opponent, it was no more a question of attaining some fleeting worldly gain. He was now aiming at the very core of the message of Islam by attributing a false statement to the Apostle of God (ṣ) himself, and attempting to suspend the Islamic Law, although it was not more than a day or two after the demise of the Prophet (ṣ). Thus, with the permission of her husband, Fāṭimah (ṣ) went to her father's mosque and delivered her historic speech to an audience consisting of the Migrants, the Helpers and others in order to establish her argument against the usurpers and all other Muslims.

Abū-Bakr's narration

The author of *Ṣaḥīḥ al-Bukhārī* writes: ʿĀ'ishah said: Fāṭimah, the daughter of the Prophet, asked Abū-Bakr for her legacy from the Prophet (ṣ) from his properties in al-Madīnah and Fadak which God had bestowed on him as *fay'* and what remained of the *khums* of the properties of Khaybar. Abū-Bakr said to her, "The Apostle of God has said: *We do not bequeath anything; whatever we leave behind is charity.* The family of Muḥammad can only take their sustenance from these properties. I swear by God that I will never change the condition of the charities of the

Apostle of God (ṣ) from how they were during his lifetime; I will firmly keep to his policy."

Abū-Bakr refused to give Fāṭimah anything from it and, as result, she remained in grief for six months after the demise of the Prophet. When she died, her husband conducted her funeral prayer and buried her remains at night without informing Abū-Bakr about her death.[1]

This narration has various versions, among which is this one: Abū-Bakr said: "…I have heard that the Apostle of God (ṣ) said: '*We prophets do not bequeath gold or silver or land or houses; we only bequeath faith, wisdom, knowledge and Traditions*. I have carried out his orders and acted sincerely."[2]

Another version says: Abū-Bakr said: I have heard the Apostle of God (ṣ) say: *We prophets do not bequeath gold or silver or houses or landed property; we only bequeath the Book, knowledge and prophethood*.[3]

It is known, beyond doubt, that Abū-Bakr was the only person who narrated this report from the Prophet (ṣ) and his supporters have tried to concoct other reports in his defense, in spite of the fact that the narration was as patently untrue as it was contradictory to the Glorious Book and the Prophetic Tradition. However, it was a futile effort that they were making and this demonstrates their ignorance of the basic principles of the Islamic Law and the dictates of reason.

We have seen that ʿĀ'ishah admitted that nobody heard this report from the Apostle of God (ṣ) apart from her father in these words: "They have differed concerning his legacy and did not find [certain] knowledge about that."[4]

The laws of inheritance in the Qur'ān are of a general nature and they cover all Muslims, including the family of the Prophet (ṣ). ʿĀ'ishah's words: *and could not find [certain] knowledge about that*, means that they did not find any knowledge that would *specify* the general laws except with her father, and had it not been for the narration which he had related the members of the Prophet's family would have got their legacy from his estate without any dispute. This shows that Abū-Bakr's only argument for denying the

1. *Ṣaḥīḥ al-Bukhārī* 3:38.

2. *Sharḥ Nahj al-Balāghah* 16:251.

3. Al-Ṭabarsī, *Al-Iḥtijāj* 1:97.

4. *Tārīkh Madīnat Dimashq* 30:311.

Ahl al-Bayt (ʿa) their legacy from the Prophet (ṣ) was the narration which he alone had reported. We notice that he related even that single narration after the caliphate had been usurped and some provisions of the divine law ignored. This took place when Abū-Bakr assumed the high seat of judgment to decide Fāṭimah's case, making himself both the judge and the defendant since he neither appointed another person from the companions of the Prophet (ṣ) as judge nor sought their counsel. This is what he should have done to distance himself from accusation in this momentous litigation, if he really intended to display justice and integrity.

Going by Islamic legal tradition and rational principles, Abū-Bakr's narration was not acceptable at all because to accept it charged the People of the Mantle with lying. They were those people from whom God *removed all impurities and purified with a thorough purification*, a people whose immaculateness was incontestable as demonstrated by the Qur'ān, the Prophetic tradition and the consensus of the Muslim community. What then is the value of that narration which Abū-Bakr related in an atmosphere of controversy and litigation, a narration that was a lone report (*khabar āḥād*) and which at best only carries speculative proof value, when compared to the testimony of God and His Apostle to their purity? Do we accuse the People of the Mantle of uttering falsehood and accept others as truthful? For to tell lies and institute legal proceedings based on a false claim are among the most evident signs of moral impurity in a person. Or, is it possible to reconcile the claim of the People of the Mantle that their inheritance from the Apostle of God was an unshakable fact in Islamic law and Abū-Bakr's lone report which seeks to repudiate their claim?

The present writer believes that it was political reasons that forced Abū-Bakr to attribute that report to the Apostle of God (ṣ) in order to deprive his relatives their legitimate rights as a way of imposing economic sanctions on them, a point we shall find occasion to dwell on later, God willing.

The view of the Imāmiyyah Shīʿah scholars on Abū-Bakr's narration

In response to Qāḍī al-Quḍāh, a Sunni scholar, Sayyid al-Murtaḍā writes: "First, we will try to demonstrate that the Prophet (ṣ) had bequeathed wealth, to put the line of discussion back to its right order, and then comment on what he has averred. To show that he had bequeathed wealth let us cite the verse of God the Exalted concerning Zachariah (ʿa): *Indeed I fear my kinsmen after me and my wife is barren. So grant me from Yourself*

an heir, who may inherit from me and inherit from the House of Jacob and make him, my Lord, pleasing to You. [Sūrah Maryam 19, verse 6]

Zachariah (ʿa) feared his paternal cousins, (there is no doubt that in this contest *al-mawālī* denotes paternal cousins) lest they should inherit his possessions and spend them in corrupt ways, because he knew that from their behavior. So he prayed for a son, who would be more entitled to inherit from him than they were.

What shows that the meaning of the word *mīrāth* (inheritance) is the inheritance of property and not knowledge and prophethood, is the fact that whenever the word *mīrāth* is considered in its absolute (*muṭlaq*) sense the only meaning it denotes is the thing which can actually be transferred from a legator to a legatee i.e. property. The term is applied elsewhere only in a metaphorical sense. Because of this, should one say, 'X has no inheritor except Y,' or: 'X inherits together with Y,' the obvious meaning of the word: *inherit*, in the two statements when viewed as *muṭlaq* is the inheritance of property (both movable and immovable) and not knowledge and other intangibles. We cannot leave the obvious and literal meaning of a term and apply the metaphorical one without any reason.

Moreover, the heir whom Zachariah (ʿa) prayed for was supposed to fulfill the condition of being pleasing to God, and if the concept of inheritance as mentioned in the verse is not considered to refer to the inheritance of property—as opposed to knowledge and prophethood—the condition becomes meaningless and frivolous. This is so because if he was praying for someone who would step into his shoes as a prophet then *pleasing to God* and even other qualities of a higher nature were inevitably included in his entreaty even without the condition, so there was no need for one. Do you not see that it is tautological to say, 'O God, send forth a prophet to us and make him a reasonable and responsible person [for being a prophet precludes want of reason or responsibility]'? Therefore, we can say, without fear of contradiction, that what was to be inherited from Zachariah (ʿa) was his property. Based on this conclusion, we can say that our Prophet (ṣ) could also bequeath property, because there is a consensus that the situation of our Prophet (ṣ) was not different from that of earlier prophets with respect to the inheritance of property. Thus, one either confirms it in both cases or rejects it in a like manner.

Another point that supports our view is that it was inconceivable of Zachariah (ʿa) to entertain any fear that God might sent a prophet that was unworthy of prophethood or permit an undeserving man to inherit his

knowledge and wisdom. A prophet was meant to disseminate knowledge among the people, and it is impossible to be anxious that the very purpose of sending prophets would be absent in a prophet.

If it were to be said that our argument could be turned against us because, fearing for the inheritance of property would have been the peak of speculation and niggardliness. Our response is: God forbid that the situation should be the same in the two cases. It is possible that God bestows property on a believer or non-believer, friend or foe, unlike prophethood and its teachings. Moreover, it was not speculative for Zachariah (ʿa) to be distressed, because his cousins, whose corruption he knew very well, could gain control of his wealth and spend it in sinful and other improper ways. On the contrary, his action evinced great wisdom, because religion frowns at any act that strengthens corrupt elements and supports their reprehensible ways. This cannot be considered niggardliness unless by those with little reflection.

Another indicator that prophets could bequeath property is the saying of God the Exalted: *Solomon inherited from David*. [Sūrah al-Naml, verse 16]

The *muṭlaq* sense in which the word *inherit* is applied in this verse shows that it denotes property, as argued above. Another verse in this regard is: *God enjoins you concerning your children: for the male shall be the like of the share of two females*. [Sūrah al-Nisā', verse 11]

The Muslim nation is unanimous that this provision is of general import and it applies to all, apart from those excluded by legal proof. Therefore, it is necessary to act on the general sense and exclude only those who have been excluded by means of conclusive evidence.[1]"

Commenting on Abū-Bakr's narration, ʿAllāmah al-Amīnī says: "Did this rule affect all the prophets or was it specific to our Prophet (ṣ)? The first assumption is contradicted by the Glorious Book where God the exalted says: *Solomon inherited from David*, and where He quotes Zachariah's supplication: *So grant me from Yourself an heir who may inherit from me and inherit from the House of Jacob*. It is common knowledge that the real meaning of inheritance is the transferring of the legator's property after his death to the legatee by God's command, so to consider it to refer to knowledge and prophethood as some scholars have done is contrary to what is evident, because knowledge and prophethood are not things to be bequeathed. The office of prophethood is bestowed on a person in line with

1. *Sharḥ Nahj al-Balāghah* 16:241, 242, 243, 244.

the general welfare of humanity; prophets are predestined to hold this office from the beginning and there can be no effect in imploring God to make a particular person a prophet. In the case of knowledge, those who seek it, attain it. Moreover, Zachariah (ʿa) was only praying for a child who would become his heir and hinder his cousins, who were his heirs-presumptive at that time, from inheriting his estate (as is clear from the verse), and that was only suited to property because seeking to debar heirs from inheriting prophethood or knowledge would have been meaningless.

Coming to the prerequisite Zachariah (ʿa) included in his entreaty, that the heir should be *pleasing to God*, it is obvious that such caveats were unfitting with respect to prophets, since holiness and infallibility were inseparable qualities for them; therefore, *pleasing to God* would have been a needless addition. On the other hand, they were possible in the case of property and the heirs to it, because they could be pleasing to God or be otherwise.

On whether this rule was specific to the Apostle of God (ṣ), it is our contention that this will entail qualifying all the verses of inheritance:

God enjoins you concerning your children: for the male shall be the like of the share of two females.

Blood relatives are more entitled to inherit from one another in the Book of God. [Sūrah al-Anfāl, verse 75]

It is prescribed for you, if death approaches anyone of you and he leaves behind any property, he should make a bequest for his parents and relatives in an honorable manner. [Sūrah al-Baqarah, verse 180]

General provisions of the Book can be rendered specific only with a conclusive proof and not with a lone report, whose apparent evidence cannot be relied upon because it is contrary to a norm that has been established among past prophets (ʿa). A lone report, which was unacceptable to the most trustworthy persons: Fāṭimah (ʿa), and her husband ʿAlī (ʿa), who inherited the learning of our Holy Prophet (ṣ) and were considered by the Qur'ān as the soul of the Prophet (ṣ). Not with a lone report, never reported by the learned men of the community, at the forefront being the pure Relatives, although the rule in question pertained to them. They were denied the justice of the Book and the Prophetic Practice, and their rightful inheritance. He (ṣ) was supposed to have informed them, and all his companions and the Muslim nation at large, about the existence of that law. Not with a lone report which has caused

the nation all those dangerous feuds and opened the gates of enmity and rancor during its earlier period, until a hitherto united and harmonious people became divided.

If Abū-Bakr was sure of the authenticity of his narration, why did he seek to contradict it by writing a document handing over Fadak to Fāṭimah (ʿa)? When ʿUmar ibn al-Khaṭṭāb saw it, he asked Abū-Bakr, 'What is this?'

'A document I have written to hand over Fāṭimah's inheritance from her father,' he replied.

'If you do that, from what will we spend on the Muslims while the Arabs oppose you as you know?' ʿUmar rejoined.

Then ʿUmar took the document from him and tore it. This is reported by Sibṭ ibn al-Jawzī in his *al-Sīrah al-Ḥalabiyah*, vol. 3 pg. 391."[1]

Shaykh al-Mufīd writes: "The great Prophet (ṣ) returned to his Lord leaving behind his only daughter Fāṭimah al-Zahrā' (ʿa) and his wives as heirs. He had given his daughter, as a gift, the estate of Fadak, which was among the properties of the townships of Khaybar that God had bestowed on him as *fay',* and on the day he died it was under her control. When Abū-Bakr took the caliphate, he wrested Fadak from Fāṭimah (ʿa) and appropriated it as well. So, Fāṭimah (ʿa) demanded it as her property, and presented as witnesses, her husband the Commander of the Faithful ʿAlī (ʿa), her two sons Ḥasan and Ḥusayn (ʿa) the grandsons of the Apostle of God (ṣ) and the lords of the youths of paradise, and Ummu-Ayman the wet-nurse of the Apostle (ṣ). All of them testified that her father had given her Fadak as a gift. Abū-Bakr rejected both her claim and her witnesses. Then Fāṭimah (ʿa) instituted another lawsuit against Abū-Bakr demanding her inheritance from her father the Apostle of God (ṣ) from the same land which was his property according to the Qur'ān, because it was part of *fay'* properties that God had given him. Abū-Bakr rejected this suit also, invoking a Prophetic tradition he alone related, that the Prophet (ṣ) had said: *We prophets do not bequeath anything and whatever we leave behind is charity!*

Thus, he claimed that the Prophet (ṣ) had left no estate, and whatever he had left behind was charity, although that was a lone report which no one else was aware of, much less related on that day. If the Prophet (ṣ) had truly uttered those words the members of his family, especially his

1. *Al-Ghadīr* 7:193.

daughter, were in a better position to have heard and related it from him, because the question of his estate concerned them directly. Since they needed to know its rule, the Prophet (ṣ) was supposed to have communicated it to them instead of telling Abū-Bakr, who was not supposed to inherit from him anyway. Nevertheless, Abū-Bakr imposed his own view on Lady Fāṭimah al-Zahrā' (ʿa) and took Fadak from her, although she proved her case against his judgment, which was the antithesis of clear provisions of the Qur'ān stating that prophets also bequeath to their heirs. This shows that the report was a fabrication."

The injustice and oppression perpetrated against her might have become history, but scientific research about this lone report continues. Even beginners in Arabic grammar know that there will be a difference in the meaning of the sentence if the word *ṣadaqah* (charity) which occurs in Abū-Bakr's report is read with *naṣb* (i.e. with /a/ vowel at the end) or with *raf'* (i.e. with /u/ vowel at the end). In the first case, the word *ṣadaqah* is an adjective that qualifies the noun *mā* (what), which is the object of the verb *bequeath*. In this case, the meaning of the statement will be 'We do not bequeath the properties that we leave behind as charities,' so that the properties that the Prophet (ṣ) had left behind other than charities could have been inherited by his heirs. In the second case, the word *ṣadaqah* is the predicate of the subject clause *what we leave behind*, in which case, *What we leave behind is charity* is to be considered as another statement that is independent of *We do not bequeath anything*. The reading with *raf'* suits the view of Abū-Bakr and the Sunnis, while the reading with *naṣb* agrees with the opinion of the Shīʿah, who hold that the prophets bequeath the properties they leave behind the same way non-prophets do, except for charities which are to be handed over to the beneficiaries. Various scholars have treated the possible grammatical forms of the word *ṣadaqah* as it occurs in the report under discussion. [See Qāḍī ʿAyyāḍ's *Al-Ilmā'* pg.151].

In his introduction to Shaykh al-Mufīd's treatise about Abū-Bakr's narration, Sayyid Muḥammad Riḍā al-Ḥusaynī al-Jalālī writes: Shaykh al-Mufīd wrote this treatise specifically to present the arguments of the Shīʿah against that report and their refutation of the view that prophets do not bequeath anything to their heirs. He recounted the arguments and counter arguments on the issue as follows:

One: Reading the word *ṣadaqah* with *naṣb* conforms to the general injunctions of the Qur'ān while reading it with *raf'* does not. The second case makes the report to conflict with the Qur'ān, and what conforms to the

apparent injunctions of the Qur'ān is more akin to the truth than that which contradicts them.

Two: The non-Shīʿah raise the objection that the *naṣb* reading is incorrect, because the meaning of the narration will then be: *What the deceased leaves behind as charity was not to be inherited*. This rule applies to all the people and not to the Prophet (ṣ) alone. Properties left behind as charity are not included in the estate that heirs inherit. So, what new information is the narration conveying? Shaykh al-Mufīd responds to this objection by saying that the specific mention of the prophets in the narration does not necessarily imply that the rule applies to them alone; they are thus mentioned to show that they ought to observe it better than all else. We find something similar in the Qur'ān where, talking about the Last Day, the Almighty says: '*You (i.e. the Prophet) are only a warner for one who fears it*,' although he was sent as a warner to the whole of mankind, both those who fear it and those who do not. However, the former deserves this warning more because they were amenable to making good use of it. After this, Shaykh al-Mufīd cited similar verses from the Qur'ān and examples form the common usage of language.

Three: Another possible interpretation of this narration is: *What we leave behind in the form of charity will never devolve to our children; they will never have it in any way, even if they were to become poor and entitled to charity.* In this sense the rule can be specific to the prophets as opposed to those who are not prophets, so that if the latter should leave some charities their children can avail themselves of it if they become poor or entitled to charity by any other reason, although those charities were not part of the inheritable estate. According to this interpretation, the meaning of *we do not bequeath* in the narration will be *what we leave behind as charities can in no way pass to our heirs*. This application of the word *'irth* (inheritance), as it occurs in the unqualified sense, is a normal form of usage even in matters other than the estate of the deceased. The Almighty says: *And He bequeathed you their land and their houses*. [Sūrah al-Aḥzāb, verse 27] That is, He made you become their owners and, obviously, this was not through the legal form of inheritance.

Four: There is another version of the narration in which there is no possibility of a *naṣb* reading of the word *ṣadaqah*: "We, prophets, do not bequeath; whatever we leave behind, it is charity (here the pronoun *huwa* [meaning: *it*] is used to emphasize the point). Some non-Shīʿah scholars consider this wording of the report as proof of the correctness of the *raf'* reading, and consequently, the incorrectness of the interpretation that was

based on the *naṣb* reading. Shaykh al-Mufīd's answer was that although it is certain that this version of the report does not accept the *naṣb* reading, there is a possible meaning to it that differs from the interpretation of the non-Shīʿah. This is to read the report this way: *Our properties that we leave behind in the hands of debtors, whom we had freed from obligation and no longer demanded their repayment while we were alive, are considered as charities in their favor. Such debts will remain as charities and they will not be part of our estates or our wills and, therefore, our heirs have no right to retake them.* This interpretation is in line with the Qur'ānic injunction on this issue which is of general import, and also in line with the apparent provisions of the Sunnah, unlike the interpretation maintained by the non-Shīʿah. Their view was that the prophets were not to be inherited from at all, a view that directly contradicts the manifest provisions of a number of Qur'ānic verses. It is more appropriate to interpret the Sunnah in a way that maintains its harmony with the Qur'ān.

It is noteworthy that Shaykh al-Mufīd's comment was an analysis of this report without making an appraisal in terms of the Qur'ānic verses and the established Prophetic Practice that falsify its implication. Nor did he attempt to criticize its routes of transmission (*sanad*) all of which show that Abū-Bakr, who was a party in the lawsuit, was the only source of this report.[1]

Sunni scholars' view on bequeathing by prophets

There is almost no unified position of Sunni scholars on the question of the bequeathing of prophets and the reason for this is the differences in the way they understand Abū-Bakr's report:

Does it mean that all prophets do not bequeath?

Or was it only the Prophet Muḥammad (ṣ) who does not bequeath?

The report has various versions, of which the following two are the most important. The first: Bukhārī and Muslim relate that ʿUmar said to a group of companions who were with him, "Do you know that the Apostle of God (ṣ) has said: *We do not bequeath anything; whatever we leave behind is charity*, referring to himself?"

The group replied, "He has said it…"[2]

1. Shaykh Mufīd, *Risalāh Ḥawl Ḥadīth Naḥnu Maʿāshira al-Anbiyā'* pg. 3- 7.

2. *Fatḥ al-Bārī* 12:9; *Ṣaḥīḥ Muslim* 5:151.

The second version: We prophets do not bequeath; whatever we leave behind is charity.[1]

Ibn Ḥajar al-ʿAsqalānī says: The word *nuwarrith* (we bequeath) as it occurs in the first version denotes the first person singular form (i.e. I bequeath) although it appears as the first person plural. The wording: *we (naḥnu) prophets do not bequeath* is well-known in the works of principles of Islamic jurisprudence (*uṣul al-fiqh*) has been considered strange by a number of leading scholars, and surely it is so, specifically because of the word *naḥnu*. However, al-Nassā'ī has reported that Ibn ʿUyaynah related it from Abu'l-Zināḍ in this form: *We (innā) prophets do not bequeath*. Muḥammad ibn Manṣūr was al-Nassā'ī's link to Ibn ʿUyaynah for this narration, as well as, al-Ḥumaydī's in the latter's *al-Musnad*. Ibn Manṣūr was among the most meticulous students of Ibn ʿUyaynah.[2]

Sunni scholars will encounter a problem whichever of the two versions they consider authentic and the two can never be reconciled because either Abū-Bakr meant to say that he considered what he attributed to the Apostle of God (ṣ) to mean that all prophets do not bequeath or only our Prophet (ṣ) does not bequeath. What embarrassed his partisans was the first option since it was in direct contradiction with the Glorious Book, which explicitly states that prophets bequeath to their heirs. These people should have been fair enough to revert to the rule of the Book, because it was the more appropriate action for all. However, they realized that to do so would have meant disbelieving Abū-Bakr and consequently invalidating their own viewpoint.

All the scholars who have commented on this report understood, from its various versions that all prophets do not bequeath. They grasped a different thing only from the version: *We do not bequeath; whatever we leave behind is charity*—the Apostle of God refers to himself. This was mentioned in the story related by al-Zuhrī from Mālik ibn Aws ibn al-Ḥadathān, as recorded by Bukhārī and Muslim.[3]

The addition: *the Apostle of God refers to himself* was not part of Abū-Bakr's words but an obvious interpolation inserted by subsequent narrators. Those who were aware that Abū-Bakr's lone report could not challenge the Qur'ānic verses which declare that all prophets do bequeath,

1. *Fatḥ al-Bārī* 12:6.

2. *Ibid.*.

3. *Ṣaḥīḥ al-Bukhārī* 4:43.

have held fast to this tailpiece. It seems Ibn Ḥajar grasped this reality and that is why he said: The wording: *we (naḥnu) prophets do not bequeath* that is well-known in the works of principles of Islamic jurisprudence has been considered strange by a number of leading scholars.

Nevertheless, Abū-Bakr denied Lady Fāṭimah (ʿa) her legacy based on this same version of the report, i.e. *we (naḥnu) prophets do not bequeath*, which dismisses the possibility of inheriting from the prophets as a whole.

Another point worthy of note is that the import of the narration: *We prophets do not bequeath anything; whatever we leave behind is charity and its disposal devolves to the ruler*,[1] is the most intriguing. It means that the Prophet (ṣ) was not to be inherited from and all his estates were to pass on to the ruler after him who could dispose them as he wished and when he died his offspring would inherit them! In the final analysis, the Prophet's children were deprived of his estate so that his successors' children would enjoy them. What calamity is worse than cheating and dispossessing the Prophet's children of their rights? God forbid that the Apostle of God (ṣ) and the divine law should allow this terrible injustice!

Furthermore, Sunnis have related a number of reports, which show that prophets do bequeath wealth. Ibn Ḥajar says: Scholars have interpreted the sayings of God: *Solomon inherited from David*, and: *So grant me from Yourself an heir who may inherit from me*, as bequests of knowledge and wisdom. Ibn ʿAbd al-Barr said that scholars hold two different views on this matter. The first view held by the majority of them is that prophets do not bequeath wealth, and he said that Ibrāhīm ibn Ismāʿīl ibn ʻIlliyyah was among the jurists who subscribe to this view. ʿAyyāḍ writes in *Sharḥ Ṣaḥīḥ Muslim* that Ḥasan al-Baṣrī also held this view. He also quotes al-Ṭabarī as saying that Ismāʿīl ibn Abī-Khālid narrated that Abū-Ṣāliḥ commented on God's word quoting prophet Zachariah: *Indeed I fear my kinsmen (mawāliya)*, in these words: *Mawālī* means paternal relations.

About: *So grant me from Yourself an heir who may inherit from me*, he says that he may inherit my properties and inherit prophethood from the family of Jacob.

Al-Ṭabarī says that Qutādah related similar comments from Ḥasan [al-Baṣrī] although he does not mention property. Al-Ṭabarī writes, as well, that Mubārak ibn al-Faḍḍāl relates from Ḥasan who, through an incomplete chain of transmission, narrates that the Prophet (ṣ) said: *May God show*

1. *Ṣaḥīḥ al-Bukhārī* 4:42.

mercy to my brother Zachariah; he had no one to inherit his property.

However, Ibn Ḥajar countered this opinion by saying: Suppose we accept this submission, that prophets do bequeath wealth, still nothing in the Qur'ān contradicts our Prophet (ṣ) saying: *We do not bequeath; whatever we leave behind is charity*, because that could be one of the special rules that applied to him alone (*khaṣā'iṣ*), by which he had been honored. In fact, ʿUmar's remark, *he refers to himself*, supports this view. As for God's saying: *God enjoins you concerning your children*, which is of general import, I will aver that it really covers whoever leaves behind some inheritable property. But if, it is shown that the Prophet (ṣ) had made charitable endowments of his properties before his death and, therefore, left nothing to be inherited, then he had not bequeathed anything to his heirs. Suppose he had actually left behind some properties that he owned, this can be excluded from the said rule in line with the many peculiarities that applied to him, and, since it is a well-known fact that he did not bequeath anything, then it follows that he was specifically excluded from the general rule.[1]

It can be said that all that those scholars have shown on this question is mere speculation, and all their effort is made solely to defend Abū-Bakr's report, with whose collapse all the edifice of their arguments will crumple. To say that lack of bequeathing was one of the peculiarities of the Apostle of God (ṣ) was sheer distortion of facts, because before a general rule is rendered specific there has to be a clear proof. Abū-Bakr's narration, which was a lone report, cannot turn a general Qur'ānic provision into a specific one, because two things are disputed here: whether a lone report can specify a general rule, and, the veracity of the narration in question. In this case, the jurist will have to resort to the maxims of (*uṣūl*) which demand that the general rules in the verse of inheritance remain in force.

The following objection can be raised against Ibn Ḥajar's argument: the contention is not what the Prophet (ṣ) instituted as endowments but about whether he could bequeath like the rest of the Muslims if he had any property. If he could, although he might have converted all his possessions into endowments, then Abū-Bakr's report would have been invalid, since it would then become understandable that the Prophet (ṣ) could bequeath those properties that were not endowments or charities while those that were charities would remain uninheritable just like in the case of anyone else.

1. *Fatḥ al-Bārī* 12:12.

The Apostle communicated to the Muslims what they needed to know

The Sunnis' support for Abū-Bakr with regard to his lone report, which deprived Fāṭimah (ʿa) of her legacy from her father, assumes that the Prophet (ṣ) was either negligent in communicating the revelations of his Lord, or not wise enough to entertain the fear that his community might stray and fall into schisms on account of misunderstanding the law. We seek refuge with God from the thought!

Almighty God says: "*God does not lead any people astray after He has guided them until He has made clear to them what they should beware of. Indeed God has knowledge of all things.*" [Holy Qur'ān, Sūrah al-Tawbah, verse 115]

In another place, He says: "*We did not send down the Book to you except that you may clarify for them what they differ about, and as a guidance and mercy for a people who have faith.*" [Sūrah al-Naḥl, verse 64]

The Most High also says: "*Look how We clarify the signs for them and, yet, look how they go astray!*" [Sūrah al-Mā'idah, verse 75]

The Most Sublime says: "*When God made a covenant with those who were given the Book: You shall explain it for the people and you shall not conceal it.*" [Sūrah 'Āl-ʿImrān, verse 187]

In another verse, He says: "*Indeed those who conceal what We have sent down of manifest proofs and guidance after We have clarified it in the Book for mankind...*" [Sūrah al-Baqarah, verse 159]

These perspicuous verses of the Qur'ān state that all the heavenly codes, Islamic law inclusive, have brought manifest proofs and clarifications; God Almighty has explained to His Apostle (ṣ) the duties He had imposed on mankind such as commanding them to obey His dictates and refrain from His prohibitions and the reward or retribution they will consequently deserve. As part of their duty, the apostles (ʿa) clarified the divine message to their peoples without concealing anything thereof, as the aforementioned verses indicate. The Commander of the Faithful, ʿAlī ibn Abī-Ṭālib (ʿa) said: "God did not make it a duty on the ignorant to learn until He made it a duty on the learned to teach."[1]

1. *Sharḥ Nahj al-Balāghah* 20:247; Ibn al-Jawzī, *Zād al-Masīr* 2:67; *Tafsīr al-Qurṭubī* 4:305.

An objection can be raised here that the Prophet (ṣ) indeed explained to the Muslim community by telling Abū-Bakr that prophets do not bequeath. But it should be noted that Abū-Bakr's veracity in the report for which he was the only narrator is disputed, especially because Fāṭimah and ʿAlī (ʿa) as well as ʿAbbās, the Prophet's uncle have discredited it. In addition, Fāṭimah's anger at Abū-Bakr, on that account, could not be assuaged for as long as she lived, and after her demise, her children openly complained of injustice against them, which was known to all.

We have mentioned earlier that it does not accord with the wisdom of the Prophet (ṣ) to inform only Abū-Bakr of this important matter, which would cause the dispossessing of the members of his family for the benefit of the wider Muslim community (as some people assume). He should have announced it publicly so that his word would stand as clear proof against all those who thought that they had some share in his estate, as this would have been the best way to prevent disagreement from rearing its head. Now, since we know that he did not make that public proclamation, although there was nothing to prevent him from doing so, we should keep to the provision of the original rule established on solid grounds, and not resort to speculation. This is in accordance with established maxims of Islamic jurisprudence, which are acceptable to both Sunni and Shīʿah scholars.

Again, on the question of conveying the divine message, we believe that there is difference between matters of general concern and those that pertain to particular individuals. If some issue affected a particular person and the Prophet (ṣ) explained it to him alone there would have been no question of hiding the message, or lack of wisdom. However, this issue did not affect Abū-Bakr alone; it involved the Prophet's Household and his community as a whole. Is it then reasonable that the Prophet (ṣ) should leave his close relations in ignorance of the most relevant laws of inheritance that concerned them? His daughter Fāṭimah (ʿa), who was his closest relative needed to know the law that governed her father's estate because it directly concerned her as well as his other close relations. Why did he not instruct them on the law, and warn them to respect its limits, while God the Sublime and Exalted said: "*Warn the nearest of your kinsfolk*?" [Sūrah al-Shuʿarā', verse 214]

The Prophet (ṣ) had surely informed his nearest relations and this divine command was not applicable only to a section of the divine message. It was his duty to warn his nearest relations on all matters and assist them in obeying God and avoiding sin. He had warned all other Muslims and

instructed them on every aspect of religion with the highest degree of clarification, offered them the best guidance, and left the milestones of the Islamic message as clear as daylight.

Or, did death take him unawares, so that it might be said that he had been biding his time to explain to his daughter and other members of his family that they were not entitled to anything from his properties? The entire Muslim community knew that there was nothing to prevent him from teaching his family the relevant laws since he had expounded on matters that were more crucial or less important than the issue of inheritance; for instance, he had taught the people toilet etiquette. In this regard, God has said: "*Today I have perfected your religion for you and I have completed My blessing upon you and approved Islam as your religion.*" [Sūrah al-Mā'idah, verse 3]

Had he not been instructing his followers to make wills and give their heirs the necessary directives before their death? So how could he be negligent in giving such directives especially on matters that affected them particularly? On the Prophet's intimacy with his daughter al-Bukhārī relates that ʿĀ'ishah says: [One day] Fāṭimah came to the Prophet walking with a gait similar to his. He said, "Welcome, my daughter," and asked her to sit by his right or his left, and then whispered something to her and on which she wept. I asked her why she wept. Then he whispered something to her and she smiled. I said I have never seen such a situation: Happiness so close to grief! Then I asked her what he had told her and she answered, "I will not divulge the secret of the Apostle of God (ṣ)." After his passing away, I asked Fāṭimah again and she replied, "He confided to me, saying: Gabriel used to repeat the Qur'ān on me once a year, but he came to me twice this year. I believe this signifies the approach of my death, and you will be the first person from my family to join me." So, I wept. Then he added: Will you not be pleased to be the chief of the women of Paradise (or the chief of the women of the worlds)? I smiled upon that."[1]

Why then did the Prophet (ṣ) not inform his daughter that prophets do not bequeath anything to their heirs and that she was not entitled to any legacy from her father unlike other Muslims with respect to their relations? Why did he not tell her that his estate was forbidden to his relations the way he explained to them that charity was forbidden to them, so that he may save his daughter the trouble of disputing with the caliph, or anyone else for that matter, with all the resultant anger and agony? Why did he confide in Abū-

1. *Ṣaḥīḥ al-Bukhārī* 4:248.

Bakr, as they claim, that prophets do not bequeath while, in reality, this matter concerned only the members of his family, although he told Fāṭimah (ʿa), and not Abū-Bakr, about his impending death which was a vital issue that affected the entire Muslim community?

The following argument can also be directed at Abū-Bakr's supporters: If the Prophet (ṣ) really desired to protect Abū-Bakr's position among the people he would have informed his daughter, his clan, and the Muslims in general, that he would not bequeath to his heirs. That might have saved Abū-Bakr the bitterness of having to be challenged and charged with lying. And since he did not do that, we understand that the report which Abū-Bakr alone ascribed to the Prophet (ṣ) was in fact fabricated, because it was not related by the repositories of the knowledge and wisdom of our Prophet (ṣ) was none other than his immaculate Ahl al-Bayt (ʿa).

Fāṭimah was more knowledgeable than Abū-Bakr

Our intention here is not to prove the merits of Fāṭimah (ʿa) the daughter of the beloved Prophet (ṣ), and that she was superior to Abū-Bakr in knowledge, because that would mean comparing him with the members of the Ahl al-Bayt (ʿa), while he did not possess the least requirements that would warrant that comparison. However, some of Abū-Bakr's partisans may challenge us on this point and demand explanation. In reply, we say that the station of the Alh al-Bayt (ʿa), as a class, was much higher than that of the Prophet's companions. The former shared with the latter the companionship of the Prophet (ṣ), while the companions did not share with the Ahl al-Bayt (ʿa) even the lowest degree of their special station. God the Most High says: *Say: I do not ask of you any reward for it except the affection for [my] relatives.* [Sūrah al-Shūrā, verse 23]

The following saying of the Prophet (ṣ) is related by both Sunni and Shīʿah scholars, and unanimously accepted by the entire Muslim nation: "God the Mighty and Sublime becomes angry when Fāṭimah is angry and is pleased when she is pleased."

The Prophet (ṣ) also said: "Fāṭimah is my heart and soul, so whoever annoys her, annoys me."

Some Sunni scholars among whom was Muḥammad ibn ʿAbd al-Ra'ūf al-Mannāwī says: Al-Suhaylī cited these narrations to argue that whoever insults her becomes an apostate because he angered God, and also to argue

that she was superior to the two shaykhs (i.e. Abū-Bakr and ʿUmar).[1]

Ibn Ḥajar al-ʿAsqalānī writes: This report prohibits annoying anyone as a result of whose annoyance the Prophet (ṣ) would become annoyed, because it is unanimously held that annoying him is unlawful, whether a little or much. Since he had positively stated that he was annoyed by anything that annoyed Fāṭimah (ʿa), and whoever annoyed her would annoy the Prophet (ṣ) himself, there is nothing worse than offending her.[2]

Every believer knows that the Apostle of God (ṣ) was above showering praises on his daughter out of mere sentiment. He did so only to discharge a duty imposed by God to proclaim her high rank. She was one of the People of the Mantle (ʿa), one of the members of the second Weighty Thing, the chief of believing women, the chief of the women of Paradise, and the chief of the women of all the worlds.

Fāṭimah (ʿa) enjoyed an eminent position in Islam and the Muslim community holds her in high esteem, and there is no gainsaying that she had inherited her father's knowledge, as the *ḥadīth* of the two Weighty Things and other Prophetic narrations demonstrate.

The fact that God and His Apostle (ṣ) become annoyed if she is offended, and he is pleased when she is pleased, necessarily indicates that she was infallible and extremely knowledgeable. Based on those *aḥādīth*, the daughter of the Prophet (ṣ) had always been erudite and honest in word and deed. She was right whenever she took umbrage or became pleased, and Fāṭimah's anger or pleasure, which was for God's sake, constituted certain knowledge for us on the correctness of her line of action. God Most High says: *Indeed God desires to repel all impurity from you, O People of the Household, and purify you with a thorough purification.* [Sūrah al-Aḥzāb, verse 33]

Imam ʿAlī accuses Abū-Bakr and ʿUmar

Sunni scholars of *ḥadīth*, such as al-Bukhārī, Muslim and Aḥmad, relate from such narrators as ʿIkrimah ibn Khālid, Ayyūb ibn Khālid, Muḥammad ibn ʿUmar ibn ʿAṭā' and al-Zuhrī, (the variant here is narrated by ʿIkrimah) that Mālik ibn Aws ibn al-Ḥadathān said:

I was sitting in ʿUmar ibn al-Khaṭṭāb's company when his gatekeeper Yarfaʿ entered and said, "'Uthmān, ʿAbd al-Raḥmān, Zubayr and Saʿd ibn

1. *Fayḍ al-Qadīr* 4:554.

2. *Fatḥ al-Bārī* 9:270.

Abī-Waqqāṣ are asking for permission to see you."

"Let them in," ʿUmar replied.

They entered, greeted, and sat down. After sitting for a while, Yarfaʿ said, "Can ʿAlī and ʿAbbās enter?"

"Yes," ʿUmar replied.

So they entered, greeted, and sat down. Then ʿAbbās said, "O *Commander of the Faithful*, judge between me and this man."

The two men were disputing over the spoils of Banu'l-Naḍīr which God had granted His Apostle as *fay'*. ʿUthmān and his group said, "O *Commander of the Faithful*, judge between them and relieve them."

ʿUmar said, "I adjure you by God with Whose permission the heavens and the earth subsist, are you aware that the Apostle of God (ṣ) said: '*We do not bequeath anything and whatever we leave behind is charity*,' referring to himself by that?"

ʿUthmān's group answered, "He said it."

Then ʿUmar said to ʿAlī and ʿAbbās, "I adjure you by God, are you aware that the Apostle of God (ṣ) has said that?"

"He said it," they replied.

ʿUmar said, "I will tell you something about this matter: by granting him this *fay'*, God bestowed on His Apostle exclusively, what He did not give to anyone else."

Then he recited God's saying: "*The spoils that God gave His Apostle from them, you did not spur any horse for its sake nor any riding camel, but God makes His apostles prevail over whomever He wishes, and God has power over all things*."

ʿUmar continued: "It was the Apostle of God's exclusive property. By God, he neither deprived you of it nor granted it exclusively to you. He had granted it to you and distributed it among you until nothing remained from it except this property. The Prophet used to meet his family's annual needs from its proceeds and spend the rest the way God's properties were spent. This was his practice until his death. I adjure you by God, do you know this to be true?" (He was asking the first group: ʿUthmān, Zubayr, ʿAbd al-Raḥmān, Mālik ibn Aws and Yarfaʿ his servant.)

"Yes," they replied.

Then he turned to ʿAlī and ʿAbbās and addressed them, "I adjure you by God do you know this?"

"Yes," they replied.

ʿUmar continued, "Then God caused His Prophet to die and thereafter, Abū-Bakr said, 'I am the successor of God's Apostle,' and he took control of those properties and administered them as the Apostle used to do, and God knows that he was a truthful, pious and rightly guided man who did the right thing. Then you came to talk to me and your request was the same. O ʿAbbās, you came asking for your legacy from the estate of your nephew and this man (that is ʿAlī) came requesting for his wife's legacy from her father. I told you that the Apostle of God said, 'We do not bequeath anything; whatever we leave behind is charity.' When I decided to turn over [the property of Banu'l-Naḍīr] to you, I gave you the option that I would hand it over to you on the condition that you would be bound by God's covenant. You would manage it the way the Apostle of God, Abū-Bakr and myself used to manage it and you agreed, and it was on those condition that I handed it over to you. I adjure you (i.e. the group in attendance) by God, did I hand it over to them (i.e. ʿAbbās and ʿAlī)?"

They answered, "Yes."

Then he turned to ʿAlī and ʿAbbās and said, "I adjure you by God, did I hand over that property to you?"

They replied, "Yes."

ʿUmar said, "And now you are seeking another judgment from me? If you cannot manage it, return it to me, I will relieve you of its burden."[1]

In the following section, we will present a critique of this narration:

The scholars who wrote commentaries on *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim* seem to be confused on how to clarify the meaning of this narration. They did not doubt the soundness of its chain of transmission (*isnād*); it suffices that the two shaykhs (i.e. al-Bukhārī and Muslim) related it with complete satisfaction, as they questioned neither its *isnād* nor its subject matter (*matn*). However, some scholars consider the narration rather odd, although their reservations are of no avail so long as the narrators are considered reliable. With regard to its import, the explanations proffered by these scholars were directionless, to say the

1. *Fatḥ al-Bārī* 6:236.

least, because they sought to analyze the said narration along some lines of reasoning, but they were hardly able to clear the ambiguities that accompanied their analyses. We will not rush into giving our opinion on the narrators of this report, or on their intent in relating such a report, as this is best, left to the judgment of the intelligent reader. We will just point out a few discrepancies that are noticeable in that variant of the narration.

Al-Bukhārī dropped the most important part of the report, which is the key to the understanding of its meaning and the circumstances that surrounded its narration. However, Muslim has exposed that vital part which al-Bukhārī concealed, but he incorporated some additions that confused the meaning of the narration once again. The section of the report in question is that which comes after ʿUmar's saying: "Then God caused His Prophet to die and thereafter Abū-Bakr said, 'I am the successor of God's Apostle.' Then Abū-Bakr said: The Apostle of God (ṣ) said: We do not bequeath; whatever we leave behind is charity, and then you considered Abū-Bakr a liar, a sinner a betrayer and a traitor, but God knows that he was a truthful, pious and rightly guided man who did the right thing. Then he passed away and I am now the successor of the Apostle of God and the successor of Abū-Bakr, and now you consider me a liar, a sinner, a betrayer and a traitor, but God knows that I am a truthful, pious, and rightly guided man who does what is right. Then, I took control of the property and you came to me, together with this man, with the same request. Both of you asked me to hand it over to you…"[1]

If one reads all the variants of this narration that occur in all the works of *ḥadīth* in which it is recorded, one cannot help being shocked by the gross manipulations to which the writers have subjected this report. Some of them abridged it to leave only what would serve their interests; others dropped the portions that contradicted what they wanted; others inserted additions perchance they could amend what was contrary to their view; yet others dropped some portions and alluded to them with the words: 'such-and-such' for fear of embarrassment.

Ibn Ḥajar al-ʿAsqalānī admits that this inconsistency exists in the narration while commenting on it: After 'Abū-Bakr said, 'I am the successor of God's Apostle,' and took control of those properties and administered them as the Apostle used to do,' ʿAqīl's version has this addition, 'and at that time the two of you—(and ʿUmar turned to ʿAlī and ʿAbbās) were claiming that Abū-Bakr was such-and-such.' In Shuʿayb's, '…that Abū-Bakr was as

1. *Ṣaḥīḥ Muslim* 5:151; *Sunan al-Tirmidhī* 3:82; *al-Sunan al-Kubrā* 7:298, 299.

you described him.'

In Muslim's version, there is this addition: 'and you came asking for your legacy from your nephew, and this man his wife's legacy from her father, and Abū-Bakr said to you, 'The Apostle of God (ṣ) has said: We do not bequeath; whatever we leave behind is charity. You considered Abū-Bakr a liar, a sinner, a betrayer and a traitor.'

Al-Zuhrī and Mālik related it, sometimes directly and sometimes indirectly alluded to it. This portion and ʿAbbās's charge against ʿAlī is completely dropped in Bishr ibn ʿUmar's narration from Mālik, as transmitted by al-Ismāʿīlī and others. The addition in Muslim's variant to ʿUmar's quotation from Abū-Bakr was absent in the narration of Isḥāq al-Fihrī who was al-Bukhārī's teacher. The excised portion occurs in the narration of Bishr ibn ʿUmar from Mālik, as related by authors of principal works of *ḥadīth* (*aṣḥāb al-sunan*), as well as al-Ismāʿīlī, ʿAmr ibn Marzūq and Saʿīd ibn Dāwūd. Al-Dāraquṭnī writes that the last two have related from Juwayriyah's quotation from Mālik. The fact that these people had all related from Malik indicates that they retained the narration well…[1]

It clear that this incoherence occurred by their distorting the narration, because of what it contained. ʿAlī, the Commander of the Faifthful (ʿa), and ʿAbbās, the Prophet's uncle, believed that Abū-Bakr and ʿUmar were liars, sinners, betrayers and traitors. Had this report been related by the Shīʿah, those scholars would have taken it as an object of ridicule; they would have charged its transmitters and relaters with apostasy and heresy; they would have dubbed them 'wicked Rāfiḍites who insult the two shaykhs (i.e. Abū-Bakr and ʿUmar), and tell lies against the Companions of the Apostle of God!' However, the Mighty and Sublime God caused this report to come from al-Bukhārī, Muslim and other prominent Sunni scholars; perchance they may ponder over it and change their minds.

Now, we will try to throw more light on the context of the portion of this report, which is recorded by Muslim but left out by al-Bukhārī. It is: Then Yarfaʿ allowed them in. ʿAbbās said, "O *Commander of the Faithful*, judge between me and this liar, sinner, betrayer and traitor," upon which the people said, "Yes, O *Commander of the Faithful*, judge between them!!"[2]

In fact, it is a disgrace for the Sunnis to darken the pages of their books with these type of shameless lies that are told about the true Commander of

1. *Fatḥ al-Bārī* 6:248.

2. *Ṣaḥīḥ Muslim* 5:151.

the Faithful, ʿAlī (ʿa), and the Prophet's uncle, ʿAbbās. Surely, ʿAbbās knew perfectly well that God the Glorious had declared the purity of ʿAlī (ʿa) along with His Prophet (ṣ), as He mentioned in His Glorious Book: *Indeed Allah desires to repel all impurity from you, O people of the Household, and purify you with a thorough purification.*

He also knew that to insult ʿAlī (ʿa) was, no doubt, to insult the Prophet (ṣ) himself and he (ṣ) had warned them against that.

From another angle, the Commander of the Faithful was indeed a pride for ʿAbbās and the whole of the Hāshimites. He was the symbol of the clan and the family. After the passing away of the Prophet, ʿAbbās said to ʿAlī (ʿa), "Stretch your hand, O son of my brother, so that I may pay allegiance to you," despite his old age and position as uncle to the Commander of the Faithful (ʿa). By this action, ʿAbbās intended to take ʿAlī (ʿa) as leader, whom he would listen to and obey. When he heard the news of the convention of *Saqīfah* of Banū-Sāʿidah (where some companions selected Abū-Bakr as caliph), ʿAbbās quickly went to the house of ʿAlī (ʿa) and joined ʿAlī's supporters, assembled there in opposition to Abū-Bakr. For six months, ʿAbbās did not pay allegiance to Abū-Bakr until ʿAlī (ʿa) was not forced to reconcile with the situation. They even tried to drive a wedge between ʿAlī (ʿa) and his uncle by offering ʿAbbās a share of the leadership which would devolve to his offspring after his death, but he rejected that bargain outright. Instead, ʿAbbās defended his nephew's stand and demanded that his antagonists return the caliphate to its legitimate place, and with this, the negotiators left frustrated.

With these actions of ʿAbbās, how can one imagine that he would insult his nephew, the Commander of the Faithful (ʿa)? How could ʿAbbās, the eldest of the Hāshimites, who was also among the wisest of men, be so naïve as to open the gate for some evil to befall the Hāshimites and give their antagonists something to gloat over? Was it not enough grief to endure the malice of their challengers, who wrested the rights of the Ahl al-Bayt (ʿa) to the leadership, to the Prophet's estate and to the *khums*, from them? And worst of all, how could ʿAbbās and his nephew ʿAlī (ʿa) insult each other in the presence of ʿUmar ibn al-Khaṭṭāb, whom Saʿd ibn ʿUbādah, Abū-Sufyān, the chief of the Umayyads, and other chiefs of prominent Arab families, called the *diminutive one* of the Banū-ʿAdī clan? What an amazing thing it is to suppose that this happened! When was any disagreement, for that matter, ever been known to occur between ʿAbbās and his nephew? How could they have quarreled over something that was of no personal benefit to either of them, as ʿUmar had handed it over to

them as a *charity of the Prophet* under covenant, as it is claimed, that they would manage it the way the Prophet (ṣ) used to do?

How can a litigant become a mere agent? First the Commander of the Faithful (ʿa) and ʿAbbās would dispute with Abū-Bakr and ʿUmar over the caliphate, the estate and the *khums*, believing that the two men were liars, sinners, betrayers and traitors. Then, they would work as agents of ʿUmar on the properties of Banu'l-Naḍīr, and subsequently, quarrel over their administration, and return to him for arbitration! What a surprising thing! In addition, the Hāshimite family was united at that time and it was immaterial whether ʿAbbās managed the properties or ʿAlī (ʿa). However, the rivals of that house fabricated those lies to hide the reality. A clear indication, that the story of ʿAbbās insulting his nephew was a myth, is how the purported abuses were couched in the same words and in the same sequence as the words in ʿUmar's account, that is: *a liar, a sinner, a betrayer and a traitor*! The fabricator of this story did not even care to do the necessary homework, for he simply borrowed ʿUmar's words and put them in the mouth of ʿAbbās, perhaps to avenge that accusation by ʿAlī (ʿa) and ʿAbbās! On reflection, one will see that the abuses that ʿAbbās purportedly unleashed on his nephew were not commensurate with the object of dispute. Their inheritance from the Prophet (ṣ) and his charities, were mere properties, no more than vanities of this fleeting world. Therefore, it is unimaginable for anyone to insult his adversary in those words while disputing over such things, except for a person of weak faith whose heart has been blinded by trivialities. Obviously, this cannot be expected of ʿAbbās the Prophet's uncle, who was one of the shrewdest of men. In reality, the only people who deserve those terms are those who perpetrate serious crimes such as attributing a false report to the Prophet (ṣ), a report that contradicted clear provisions of the Glorious Qur'ān and became the cause of discord in his community.

Another indicator of their despicable lies is their inconsistency. Sometimes they say that ʿAbbās abused ʿAlī (ʿa) and sometimes they say that the two men exchanged invectives. Ibn Ḥajar says: Where it is said: 'Then ʿAbbās said: O Commander of the Faithful, judge between this man and me,' Shuʿayb and Yūnus add: Then ʿAlī and ʿAbbās insulted each other.'

In ʿAqīl's variant, which they quoted from the chapter of inheritance of Ibn Shihāb's work, we read: 'Judge between me and this transgressor,' and in Juwayriyah's narration '….this liar, sinner, betrayer and traitor.' I have not come across anything from these versions, which shows that ʿAlī (ʿa) has said anything against ʿAbbās, contrary to what is understood from ʿAqīl's

version, which reads: 'they exchanged invectives.'

Al-Māzirī approves the action of those who chose to expunge these words from the report because, as he said: Perhaps, some narrators had erroneously incorporated them.[1]

For God's sake, see how their leading scholars are groping for explanations; whenever they try one solution to explain away those falsehoods they end up falling into another difficulty. In the end, they approve their cancellation and consider those who had mentioned them in the report to have erred. Concerning what he quoted from al-Māzirī, Ibn Ḥajar says: If however these words were actually said then the best explanation is that ʿAbbās did not really mean what he said, as he was pampering ʿAlī (ʿa), who was like a child to him. He only intended to dissuade him from what he (ʿAbbās) believed ʿAlī (ʿa) was wrong, and indirectly meant to say that those descriptions would have applied to ʿAlī (ʿa) if he had done what he did deliberately.

Ibn Ḥajar added: This explanation is inevitable because that episode took place in the presence of the caliph and those who were with him and no word of reproach was heard from them, although they were known to be strict in disapproving what was forbidden.[2]

Finally, Ibn Ḥajar admits that those utterances were forbidden, and it was a duty of the people who were present to stop them. The truth that they wanted to conceal was that the Commander of the Faithful, ʿAlī (ʿa), and ʿAbbās went to ʿUmar several times demanding the Prophet's estate and the *khums*. This is what actually happened, and suitably explains the answer that ʿUmar gave them, as stated in the report. However, Sunni scholars try to conceal it and distort the facts to avert disgrace, and serve the interest of their school of thought. This is because the true story will reveal ʿUmar's admission that ʿAlī (ʿa) and ʿAbbās believed that Abū-Bakr and ʿUmar were *liars, sinners, betrayers and traitors*, with respect to the *ḥadīth* that only Abū-Bakr related.

Another pointer to their fumbling about lies in these words of Ibn Ḥajar: Concerning the case which ʿAlī and ʿAbbās took to ʿUmar seeking his judgment, al-Dāraquṭnī records that Ismāʿīl al-Qāḍī said: Their dispute was not about inheritance; it was over the management of the *charity* and the way its proceeds were to be disposed.

1. *Fatḥ al-Bārī* 6:247.

2. *Ibid.*

However, al-Nassā'ī and ʿUmar ibn Shabbah relate through Abu'l-Bukhtarī something which shows that they (ʿAlī and ʿAbbās) wanted ʿUmar to divide the property between them the way estates are divided among heirs. What ʿUmar said towards the end, 'And now you come to me quarrelling; this one saying: 'I want my share from my nephew' and the other saying: 'I want my wife's share.' By God I will not decide your case except that way,' that is, the earlier arrangement, which was the right to manage the property.

Al-Nassā'ī also relates it the same way from ʿIkrimah ibn Khālid from Mālik ibn Aws. In *Sunan Abī-Dāwūd* and other sources we read: They wanted ʿUmar to divide it, so that each could manage his portion independent of the other, but he rejected their demand because he did not like the issue of splitting the properties, and that is why he swore to maintain his former decision.

Most of those who comment on this narration do not go beyond this explanation, which they approve, although it has the same problem as the one we mentioned earlier. A more amazing thing is the positive assertion by Ibn al-Jawzī and Shaykh Muḥyī al-Dīn al-Nawawī that ʿAlī and ʿAbbās demanded of ʿUmar the division of the properties and nothing else, although it is clear from the context that they came to him twice asking for the same thing. However, the two scholars can be excused because they were commenting on Muslim's version of the report, and not that of al-Bukhārī. God knows best.[1]

These contradictions demonstrate that the first narration, which contains ʿAbbās's offensive words against ʿAlī (ʿa), was a fabrication. Even if we are to assume that it was true, (for we believe that ʿAbbās was not infallible anyway) and that he was in fact pampering his nephew, as they hold, that will not serve their stand so long as the two men believed that Abū-Bakr and ʿUmar were liars, sinners, betrayers and traitors. And it was in front of ʿUthmān, ʿAbd al-Raḥmān, Zubayr, Saʿd, Mālik and his servant Yarfaʿ that ʿUmar stated that this was the belief of ʿAlī, the Commander of the Faithful (ʿa) and ʿAbbās, the Prophet's uncle, and these people did not oppose him at all. They must have heard that accusation from ʿAbbās and his nephew many times before that meeting, and it was no longer a new thing to them, and perhaps, that was why they said nothing. This explains why, after uttering those words, ʿUmar did no more than declare his and Abū-Bakr's innocence and defend their integrity, an action which was

1. *Fatḥ al-Bārī* 6:247.

nothing but self-glorification.

Sunni scholars cannot deny the occurrence of that accusation. Ibn Ḥajar writes: The plausible explanation here is to treat it as we have treated the previous narration concerning Fāṭimah, and consider that ʿAlī and ʿAbbās held that the general import of the saying of the Prophet: *we do not bequeath...* applied only to some of the properties that he had left behind. It was for this reason that ʿUmar said of ʿAlī and ʿAbbās: *they believed that whoever opposed them on that question was a transgressor*.

How did he know that they believed that the meaning of Abū-Bakr's narration, which was of a general nature had been rendered specific, while the Ahl al-Bayt (ʿa) are known to deny and completely reject that *ḥadīth*, was a *specifier* to the general provisions of the laws of inheritance?

Al-Mubārakfūrī says: An objection has been raised that the original story clearly states that ʿAbbās and ʿAlī knew that the Prophet (ṣ) had said, '*We do not bequeath...*' If they had really heard it from him, how could they have requested the property from Abū-Bakr? If they heard it from Abū-Bakr during his reign and were satisfied with his report, how could they have asked for it later on from ʿUmar? The response to this objection is that the two men held that the general import of *we do not bequeath...* applied only to some of the properties that the Prophet (ṣ) had left behind. It was because of this that ʿUmar attributed to ʿAlī and ʿAbbās the belief that whoever opposed them was a transgressor, as reported in *Ṣaḥīḥ al-Bukhārī* and other sources.[1]

Al-Mubārakfūrī tried to solve the problem but has not fared better than those before him. The scholars of Sunni and other schools of thought knew perfectly well that the Commander of the Faithful, ʿAlī (ʿa), and his uncle ʿAbbās never heard the Apostle of God (ṣ) say: *we do not bequeath...* nor did they believe that Abū-Bakr's lone report to that effect was true. This is a fact that al-Mubārakfūrī and his type could not admit, although they knew it, because of their habit of covering up any facts that would tarnish the image of Abū-Bakr and ʿUmar, and distorting what was clearly their intention, in order to defend them. However, their patron ʿUmar spoke plainly, when he said that Imam ʿAlī (ʿa) and ʿAbbās believed that he and Abū-Bakr were liars, sinners, betrayers and traitors, as Muslim and other authors of major *ḥadīth* works have reported.

Concerning that portion of the narration, which says: *...are you aware that*

1. *Tuḥfat al-Aḥwadhī* 5:193.

the Apostle of God (ṣ) has said: We do not bequeath and whatever we leave behind is charity? Yes, they replied…

This is nothing but blatant falsehood and a distortion of facts. The sound narrations show how the Ahl al-Bayt (ʿa) had vehemently rejected that report as false and accused its narrator of lying and disregarding the Book of God. Even Sunni scholars found it difficult to digest that particular section of the narration under discussion and they considered it very unlikely that ʿAlī (ʿa) and ʿAbbās had replied in the affirmative, when ʿUmar asked them about the soundness of that report. Ibn Ḥajar admits that there was a serious problem, because it would be surprising that ʿAbbās and ʿAlī (ʿa) should ask for the property in question if they were aware of that saying of the Prophet (ṣ).

Al-Bukhārī and Muslim recorded some narrations in such a way that the inattentive will think that their narrators had heard them from the Prophet (ṣ) although they had not. Let us consider these two. Al-Bukhārī writes: Ismāʿīl informs us that Mālik related from Ibn al-Zinād from al-Aʿraj from Abū-Hurayrah who said that the Apostle of God (ṣ) said: "My heirs will not share money (*dinar*); whatever I leave behind, apart from the provisions of my family and the wages of my agent, is charity."

He also writes: ʿAbdullāh ibn Muslimah informs us from Mālik from Ibn Shihāb from ʿUrwah that ʿĀ'ishah said that when the Prophet (ṣ) passed away, his wives wanted to send ʿUthmān to Abū-Bakr to ask for their inheritance. However, she said: Did the Apostle of God not say: We do not bequeath anything; whatever we leave behind is charity?[1]

Abū-Hurayrah, who accompanied the Prophet (ṣ) for only two to three years after he embraced Islam after the battle of Khaybar, as unanimously stated by historians, related many narrations that were *mursal* (that is a report without a *continuous* chain of transmission that stops at the level of a Companion). He did not hear them directly from the Prophet (ṣ). Such narrations of his often mislead people into believing that he had heard them himself and that he had witnessed the events about which he was reporting. The first example of this type is the one above: Abū-Hurayrah omits his intermediary, i.e. Abū-Bakr, so that it appears as if he had heard it directly from the Prophet (ṣ). To give another instance of this tendency here is another narration. Abū-Hurayrah reported that the Prophet (ṣ) said to his uncle Abū-Ṭālib when the latter was about to die: "Say: *There is no deity*

1. *Fatḥ al-Bārī* 12:9- 10.

except God, so that I may testify to you on that on the Day of Resurrection," but he refused![1]

Where was Abū-Hurayrah when the Prophet (ṣ) and his uncle were exchanging those words? He ascribes to them as though he was seeing them and hearing what they were saying.

In another report, Abū-Hurayrah said: When the verse: *Warn the nearest of your kinsfolk*, [Holy Qur'ān, Sūrah al-Shuʿarā', verse 214] was revealed to the Prophet (ṣ), he stood up and said, "O Quraysh! I cannot help you with anything before God…"[2]

All scholars are unanimous that this verse was revealed in the early stages of the Prophetic mission before the commencement of an open invitation to Islam in Makkah. At that time Abū-Hurayrah was still living in Yemen and ignorant of religion, because he came to al-Ḥijāz almost twenty years after its revelation.

Somewhere else, he relates that the Prophet used to supplicate in the *qunūt* (invocations done while standing in prayers): O God, save Salamah ibn Hishām. O God, save al-Walīd ibn al-Walīd. O God, save ʿAyyāsh ibn Abī-Rabīʿah. O God, save the oppressed believers whom the polytheists prevented from migrating… etc.[3]

It is well known from biographical accounts that those people were prevented from migrating and the Prophet (ṣ) prayed for them about seven years before Abū-Hurayrah became a Muslim, so why should he relate the episode directly as if he was present when the Prophet (ṣ) was praying for their deliverance?

Elsewhere, Abū-Hurayrah said: Abū-Jahl said: "Does Muḥammad cover his face with dust (i.e. prostrate himself in the dust) in your midst?" and he was answered, "Yes…"[4]

If truly Abū-Jahl has said this then it must have been almost twenty years before Abū-Hurayrah left Yemen and embraced Islam. So, why the direct reporting? We have taken this sample of Abū-Hurayrah's reports from Sayyid ʿAbd al-Ḥusayn Sharaf al-Dīn's *Abū-Hurayrah*, and for more examples of this type, the reader can refer to it and Maḥmūd Abū-Rayyah's

1. *Ṣaḥīḥ Muslim* 1:31.

2. *Ṣaḥīḥ al-Bukhārī* 2:86.

3. *Ibid.* 2:105.

4. *Ṣaḥīḥ Muslim* 2:467.

Aḍwā'un ʿala'l-Sunnah al-Muḥammadiyyah.

Going back to Abū-Bakr's narration, it is noteworthy to mention that all Muslim scholars, without exception, believe that he was the only person who related it from the Prophet (ṣ) but, all the same, one finds that ʿUmar, ʿĀ'ishah and other Companions relate it as a *mursal,* as we have seen previously. ʿĀ'ishah agrees that no one claimed to have heard from the Prophet (ṣ) except her father, when she said, "They differed concerning his estate and could not find any information on that from anybody until Abū-Bakr said, 'I have heard the Apostle of God (ṣ) saying: We prophets do not bequeath anything; whatever we leave behind is charity.'"[1]

Ibn Ḥajar al-ʿAsqalānī writes: Then, ʿĀ'ishah's report mentions that when the Prophet (ṣ) passed away his wives wanted to send ʿUthmān to Abū-Bakr to ask for their inheritance, but she said, "Did the Apostle of God not say: We do not bequeath anything; whatever we leave behind is charity?"

From its context, this narration seems to be quoted from *Musnad ʿĀ'ishah.* It is also related by Isḥāq ibn Muḥammad al-Farwī from Mālik with the chain of transmission from ʿĀ'ishah from Abū-Bakr, as al-Dāraquṭnī records in the chapter he dedicated to unusual narrations (*al-gharā'ib*). Al-Dāraquṭnī observed that he was alone in adding the name of Abū-Bakr in his transmitters, and this makes it correspond with the narration of Muʿammar from Ibn Shihāb, which we mentioned in the beginning of this chapter, in which ʿĀ'ishah reported that Abū-Bakr said: I have heard the Apostle of God saying… Therefore, it was possible that ʿĀ'ishah had heard it both from her father and directly from the Prophet (ṣ), and she could have heard it from her father but when the Prophet's wives intended to demand their legacy, she attributed it directly to the Prophet (ṣ) in *mursal* fashion. God knows best.[2]

Here, Ibn Ḥajar is trying to cast doubt on the *mursal* nature of ʿĀ'ishah's narration and this leads him to propose that it was possible that she had heard it from both the Prophet (ṣ) and her father. However, if she had heard it from the Prophet (ṣ) she would have openly declared it and testified in support of her father when Fāṭimah (ʿa) and her husband Imam ʿAlī (ʿa) accused him of lying, but she did nothing of that sort! Had ʿĀ'ishah made such a declaration, her partisans would have capitalized on it and that

1. *Tārīkh Madīnat Dimashq* 30:311; *Kanz al-ʿUmmāl* 12:488; *Al-Ṣawā'iq al-Muḥriqah* pg. 19.

2. *Fatḥ al-Bārī* 12:12.

would have become a cause for much confusion, for, how could the Prophet inform one of his wives of this matter and conceal it from his daughter Fāṭimah (ʿa)? She was more entitled to hear it than her father's wives, including ʿĀ'ishah, whose share of the estate was only one ninth of one eighth, which is less that 1.5%.[1]

A number of Sunni scholars argued against the view of those who hold that Qur'ānic provisions of a general nature (*ʿāmm*) could be *specified* with solitary *aḥādīth* (*khabar āḥād*), like Abū-Bakr's narration, and even consider such *aḥādīth* as part of their system of juridical reasoning. As they pursue their discussions in their works of *ḥadīth* and jurisprudence, these scholars take it for granted that Abū-Bakr's narration was a solitary *ḥadīth*.

1. According to Islamic law of inheritance when a man dies his wife is entitled to one eighth of his estate and since the Prophet was survived by nine wives each one of them was entitled to one ninth of one eighth of his estate.-*Translator*.

CHAPTER FIVE
A SOLITARY ḤADĪTH; SUNNIS DO NOT REGARD IT AS A PROOF THAT IS NOT FREE FROM DEFECT

Khabar wāḥid (solitary ḥadīth) in the view of the Companions and the generation that followed them

It has been established beyond doubt that Abū-Bakr was the only person who narrated the report: *We do not bequeath*; therefore it was a solitary *ḥadīth* that can in no way be tendered as legal proof. It should simply be discarded because it contradicts the Glorious Book, which states that all prophets do bequeath.

Even where a solitary *ḥadīth* is free from defect, scholars hold various opinions as to whether it is fit to be a *specifier* of the rules of the Qur'ān that are of general import (*ʿāmm*). A defective one is entirely out of the question; that is why such reports were rejected by the companions and the *tābiʿūn*; the generation that followed them.

Ibn Ḥajar al-ʿAsqalānī says: Any solitary *ḥadīth* that contradicts what is known for certain is rejected. The reason the scholars give for the rejection was that Abū-Bakr and ʿUmar were reluctant to accept two reports of al-Mughīrah on the questions of the grandfather's inheritance and that of the fetus, until Abū-Saʿīd al-Khudrī testified to their veracity. Based on ʿĀ'ishah's reluctance to recognize Ibn ʿUmar's report, which says that the dead is chastised because of the wails of his mourners, they replied that such hesitation was either caused by doubt, like in the case of Abū-Mūsā, or where a definite proof is contradicted by a solitary *ḥadīth*. In the first case, Abū-Mūsā related his solitary report when ʿUmar reproached and threatened him for revoking the divorce he had given his wife after having pronounced three divorces. ʿUmar intended to verify the report because he feared that Abū-Mūsā might have tendered it only to defend himself. I have expounded on this issue and presented the relevant proofs in the chapter of seeking permission (*isti'dhān*). The second case is exemplified by ʿĀ'ishah's invoking the *generalness* (*ʿumūm*) of God's saying: *No bearer*

shall bear another's burden. [Holy Qur'ān, Sūrah al-Sajdah, verse 18][1]

Ibn Ḥajar discussed ʿUmar ibn al-Khaṭṭāb's narration which ʿĀ'ishah opposed, by citing the *generalness* of the significance of the said verse, but he would not treat, in like manner, similar verses that talk about inheritance which Fāṭimah (ʿa) invoked to refute Abū-Bakr's narration on that issue. In the case of ʿĀ'ishah and ʿUmar, Ibn Ḥajar affirmed that ʿĀ'ishah was right without discriminating against her, but in the case of Fāṭimah (ʿa) and Abū-Bakr he was biased, and could not acknowledge that Fāṭimah (ʿa) was also right!

In a nutshell, Sunni scholars are divided into three groups with respect to the possibility of *specifying* the general provisions of the Qur'ān with a solitary *ḥadīth*: one group rejects it altogether, another is undecided, and a third holds that it is permissible, subject to a number of conditions, some of which are mentioned below:

Al-Ghazzālī says: It is permissible to *specify* [the general provisions] of what has been established through *tawātur* (i.e. consecutive transmission) with a solitary *ḥadīth*, contrary to the view of the scholars of Iraq who hold that it is not permissible to *specify* the general rules of the Qur'ān and the *mutawātir ḥadīth* with a solitary report.[2]

In another place, he said: The Muʿtazilites hold that the *ʿumūm* of the Qur'ān cannot be *specified* by solitary reports because their origin is doubtful, while the source of the Qur'ān is certain.[3]

Al-Āmudī says: It is permissible to *specify* the general provisions of the Qur'ān with a Prophetic tradition if the latter is *mutawātir* and I am not aware of any opposing view. This permissibility is indicated by the rational proof (*dalīl ʿaqlī*) we mentioned previously. But, if the Prophetic tradition is transmitted through a solitary *ḥadīth*, the four authorities of jurisprudence (i.e. Abū-Ḥanīfah, Mālik, al-Shāfiʿī and Aḥmad ibn Ḥanbal) maintain its permissibility, some other scholars completely forbid it, while a third group differentiate between various cases. Those in the last group also have different approaches: ʿĪsā ibn Abān holds that if the solitary *ḥadīth* is of definitive import it can act as *specifier*; otherwise, it cannot.[4]

1. *Fatḥ al-Bārī* 13:289.
2. *Al-Mustaṣfā* pg.190.
3. *Al-Mankhūl* pg.252.
4. *Al-Iḥkām fī Uṣūl al-Aḥkām* 2:322.

Al-Khaṭīb al-Baghdādī says: A report that is related by a reliable and trustworthy person through a complete chain of transmission may be rejected on three grounds. Firstly, if it contradicts reason, in which case it proves invalid because the divine law conforms to rational possibilities and avoids rational impossibilities. Secondly, if it contradicts explicit provisions of the Qur'ān and the Prophetic traditions that are transmitted incessantly, in which it should be either baseless or abrogated. Thirdly, if it contradicts the consensus of jurists by which it is obvious that it is also abrogated or baseless…[1]

Al-Jaṣṣāṣ says: To buttress their stand, those who reject solitary *ḥadīth* invoke the following verses of the Qur'ān:

"Do not follow that of which you have no knowledge." [Sūrah al-Isrā', verse 36]

"*[Satan prompts you] to attribute to God what you do not know."* [Sūrah 'Āl-ʿImrān, verse 169]

"*Except those, who are witness to the truth and who know."* [Sūrah al-Zukhruf, verse 86]

"*Do not attribute anything to God except the truth*. [Sūrah al-Nisā', verse 171]

"*Indeed*, *conjecture is no substitute for the truth."* [Sūrah Yūnus, verse 36]

The value of a solitary *ḥadīth* depends on the good opinion of people for its narrator, which is mere conjecture and God Most High has forbidden making decisions based on conjecture, as the last verse indicates. Consequently, solitary *ḥadīth* becomes undependable. They also argue that when the Prophet (ṣ) invited the people to believe in the truth of his word at the inception of his mission they did not believe him until he worked miracles to confirm the veracity of his claims. Therefore, it is even more necessary that reports from people, who are inferior to him should not be accepted unless there are reasons to prove their veracity. Moreover if a solitary *ḥadīth* is to be considered credible even without corroboration then the position of its reporter should be superior to that of the Prophet (ṣ) from whom he was reporting, since the Prophet (ṣ) needed to present evidence before his claims were accepted, unlike the reporter of a solitary *ḥadīth*.

1. *Al-Faqīh al-Mutafaqqih* 1:132.

Al-Jaṣṣās adds: The view of those who laid down conditions for accepting solitary *aḥādīth* is in consonance with the view of the early authorities. The latter's rejection of some solitary *aḥādīth* does not negate this statement, because any such *aḥādīth*, that the *salaf* rejected, may have been among the type that must be dismissed for the reasons for which solitary *aḥādīth* are rejected. It is similar to rejecting the testimony of two honest witnesses where there are grounds that normally justify the dismissal of reports, and this does not mean that the testimony of two witnesses per se was unacceptable, even if it was free of defects, that would necessitate its rejection.

In another place, he says: Some of the reasons for which solitary *aḥādīth* are rejected according to our scholars are mentioned by ʿĪsā ibn Abān. He said that a solitary *ḥadīth* is rejected if: firstly, it contradicts an established precept of the Prophet. Secondly, it contradicts an unequivocal Qur'ānic text. Thirdly, the issue in question is of general interest and the *ḥadīth* is specific, unknown to the generality of the people. Fourthly, it is an abnormal one, which the narrators related but acted contrary to its import.

Al-Nawawī says: However, this implies specifying the general text of the Qur'ān with a solitary *ḥadīth*, an issue about which there is difference of opinion. God knows the best.[1]

In another place, he says: Al-Ghazzālī writes in *al-Mustaṣfā*: There was no Companion who did not reject some solitary *ḥadīth*. [For instance], ʿAlī rejected the report of Abū-Sinān al-Ashajaʿī concerning the story of Burūʿ bint Wāshiq. He also cited other examples.

In *al-Muswaddah,* Ibn Taymiyah writes: The correct view is that whoever dismisses a sound report, as the Companions used to do, because of their belief that the reporter had erred or was not truthful, does so out of conviction that there was some proof that the Prophet would not say such a thing. This action does not lead to apostasy or sin, even if their conviction did not conform to reality, since some Companions have rejected a number of reports which the narrators of *aḥādīth* consider authentic.[2]

Al-Mubārakfūrī writes: It is amazing how al-ʿAynī failed to respond to the tacit consensus, although it was acceptable evidence to him and his co-Ḥanafites. Rejecting the *ḥadīth* of the two large jars, he said: When a black man fell inside the Zamzam well, Ibn ʿAbbās and Ibn Zubayr gave the

1. *Sharḥ Ṣaḥīḥ Muslim* 10:36.

2. *Al-Majmūʿ* 19:244.

verdict that all the water should be drained, although no change had occurred. The amount of water in the well could fill two large jars. This happened in the presence of the Companions, and no one opposed the view of two men, which shows that it was supported by their consensus, and a solitary *ḥadīth* is rejected when it is contrary to the consensus of opinion.[1]

In short, the essence of these citations is that the scholars who hold that it was permissible to specify the general texts of the Qur'ān with a solitary *ḥadīth* have placed some conditions for that. Here are some of them. It should not contradict clear texts of the Glorious Qur'ān or the *mutawātir* Prophetic tradition, it should be of definitive import. It should not contradict the dictates of reason. It should not contradict scholarly consensus. Its narrator must not have been accused of perjury or known to be afflicted with confusion or forgetfulness. There should not be a counter report that makes it difficult to prefer one over the other; and, it must not have been doubted by some Companions, because they had witnessed the era of revelation. Having said all this, the veracity of a solitary *ḥadīth* is stills dependent on the speculation that its narrator was reliable and "*most of them just follow conjecture; indeed conjecture is no substitute for the truth*."

From the foregoing discussion, it is clear that, based on the proof value accorded to the solitary *ḥadīth* even on the basis of Sunni jurisprudence, the Ahl al-Bayt (ʿa) could not accept Abū-Bakr's report which did not constitute definite knowledge at all. This is among the strongest arguments that can be put forward to refute the stand of the non-Shīʿah. Serious reservations on the said report resulted from the opposition staged by some of the People of the Mantle, that is, the Prophet, ʿAlī, Fāṭimah, Ḥasan and Ḥusayn, from whom God removed all impurity and purified with a thorough purification. They charged its narrator with falsehood and accused him of injustice, betrayal, treachery and sin, as *Ṣaḥīḥ Muslim* reports, and in her grief, Fāṭimah (ʿa) died, still resenting Abū-Bakr and his company.

Fāṭimah accuses Abū-Bakr of falsehood and vehemently rejects his report

A perusal of the biographies, history and *aḥādīth*, will reveal beyond doubt that Fāṭimah (ʿa), who was truthful and pure as declared in the Qur'ān, considered Abū-Bakr's narration to be a colossal fabrication against the

1. *Tuḥfat al-Aḥwadhī* 3:141.

Apostle of God (ṣ) and the noble Book. It is recorded in authentic narrations from the Prophet's Household and their partisans, as well as from the non-Shīʿah, that Abū-Bakr took over the caliphate and the Prophet's estate, and other resources of the Ahl al-Bayt (ʿa). After repeated demands for their restoration, Fāṭimah sought permission from her husband ʿAlī (ʿa), and went to her father's mosque. She delivered her famous speech in the presence of Abū-Bakr and a gathering of the Migrants and the Helpers. The listeners were so affected by her illuminating words, her gait, her voice, her eloquence and the strength of her argument, which reminded them of the Apostle of God (ṣ), that the whole gathering broke into tears. The amount of weeping seen on that day was only surpassed by what was witnessed on the day the Prophet (ṣ) passed away.[1]

1. The speech of Lady Fāṭimah (ʿa) has been continuously transmitted by the partisans (Shīʿah) of the Ahl al-Bayt (ʿa), from generation to generation. The sons of Lady Fāṭimah (ʿa) have related it from their fathers, from their grandfathers, from their great grandmother Fāṭimah (ʿa). Shīʿah scholars and other devotees of the Ahl al-Bayt (ʿa) have treated it with utmost attention and indescribable reverence. To this day, they teach it their children and cite it in their works, addresses, gatherings and debates.

The non-Shīʿah have also related it. Ibn Abi'l-Ḥadīd writes in *Sharḥ Nahj al-Balāghah* vol. 16 pg. 211: Abū-Bakr (one of his informants) relates: From Muḥammad ibn Zakariyyā, from Jaʿfar ibn Muḥammad ibn ʿImārah al-Kindī, from his father, from Ḥasan ibn Ṣāliḥ ibn Ḥay, from two Hashimites, from Zaynab bint ʿAlī ibn Abī-Ṭālib and Jaʿfar ibn Muḥammad ibn ʿAlī ibn al-Ḥusayn from his father. [Another chain of transmission of this report] Abū-Bakr relates: I am also informed by ʿUthmān ibn ʿImrān al-ʿAjīfī, from Nā'il ibn Nājiyah ibn ʿUmayr ibn Shimr, from Jābir al-Juʿfī, from Abū-Jaʿfar Muḥammad ibn ʿAlī (ʿa). [Another chain of transmission of this report] Abū-Bakr relates: I am also informed by Aḥmad ibn Muḥammad ibn Yazīd, from ʿAbdullāh ibn Muḥammad ibn Sulaymān, from his father, from ʿAbdullāh ibn Ḥasan ibn Ḥasan. All of them said: When Fāṭimah learnt of Abu Bakr's resolve to deprive her of Fadak, she tied up her head covering and set out to meet him accompanied by a group of her domestics and the womenfolk of her clan, walking with a gait like that of the Apostle of God (s). She met Abū-Bakr in a large gathering of the Migrants and the Helpers. Then she set a white kerchief to screen her from the people and sent a wail that made the people weep. Then she waited for a while until their outbursts subsided and said, "I start by praising Him Who is most deserving of praise, might and grandeur…' to the end of the speech.

Ibn Abi'l-Ḥadīd mentioned another chain of transmission ending with ʿĀ'ishah (*Sharḥ Nahj al-Balāghah* vol. 16 pg. 249). He said: Abū-ʿUbaydullāh ibn Muḥammad ibn ʿImrān al-Marzubānī informs us that Muḥammad ibn Aḥmad al-Kātib reported from Aḥmad ibn ʿUbayd ibn Nāṣiḥ al-Naḥawī from al-Ziyādī from

Here are some of the strong arguments that remarkable speech contains and with which Fāṭimah (ʿa) silenced the people who had usurped her father's estate on baseless grounds, "O son of Abū-Quḥāfah! Does the Book of God say you can inherit from your father, but I cannot inherit from mine? You have indeed brought an odd thing. Have you knowingly disregarded the Book of God and its injunctions? It says: *Solomon inherited from David*.

From the story of John and Zachariah, it says: *So grant me from Yourself an heir who may inherit from me and inherit from the House of Jacob*.

And: *Blood relatives are more entitled to inherit from one another, in the Book of God. God enjoins you concerning your children: for the male shall be the like of the share of two females*, and: *It is prescribed for you if death approaches any of you and he leaves behind any property, that he makes a bequest for his parents and relatives in an honorable manner, an*

Sharqī ibn al-Qaṭāmī from Muḥammad ibn Isḥāq from Ṣāliḥ ibn Kaysān from ʿUrwah from ʿĀ'ishah who said: When Fāṭimah learnt of Abū-Bakr's resolve to deprive her of Fadak, she put on her cloak, tied up her head covering and went out accompanied by a group of her domestics…

Another line of transmission is also mentioned in *Sharḥ Nahj al-Balāghah* vol. 16 pg. 249: Al-Murtaḍā says: Al-Marzubānī informs us from Abū-Bakr ibn Aḥmad ibn al-Makkī from Abu'l-ʿAynā' ibn Qāsim al-Yamānī from ʿĀ'ishah who said: When the Apostle of God passed away, Fāṭimah (ʿa) went to see Abū-Bakr accompanied by a group of her domestics—the two lines meet here—and the womenfolk of her clan. She was walking with a gait like that of the Apostle of God… to the end of her speech.

He adds: Al-Murtaḍā says that Abū-ʿAbdullāh al-Marzubānī has been informed by ʿAlī ibn Hārūn from ʿUbaydullāh ibn Aḥmad ibn Abī-Ṭāhir from his father who said: I mentioned to Abū-Ḥasan Zayd ibn ʿAlī ibn al-Ḥusayn ibn ʿAlī ibn Abī-Ṭālib the speech that Fāṭimah delivered when Abū-Bakr denied her Fadak, then I said to him: These people claim that the speech was fictitious and that it was Abu'l-ʿAynā''s composition because it was very eloquent.

He answered me in these words: I have seen the old men of Abū-Ṭālib's family relating it from their fathers and teaching it to their sons. My father related it to me from my grandfather and on to Fāṭimah. The master scholars of the Shīʿah have indeed narrated this speech and taught it to one another before the grandfather of Abu'l-ʿAynā' was born. Abu'l-Ḥasan ibn ʿAlwān related from ʿAṭiyyah al-ʿAwfī who said that he heard ʿAbdullāh ibn Ḥasan ibn Ḥasan narrating his speech from his father. Then Abu'l-Ḥasan Zayd said: Why do you deny that Fatima's speech could be so eloquent while those people relate ʿĀ'ishah's speech which she made after her father's death and it was more surprising to be her own creation than it was to believe that this speech was Fāṭimah's. They would have believed the truth of it if not because of their enmity to us, we the Ahl al-Bayt.

obligation on the God-wary.

But, you claim that I had no prestige in the eyes of my father, no legacy from him and no kinship ties with him. Did God, or are you saying, that we are followers of different creeds and therefore we cannot inherit from one another? Are we not both of the same? Or, are you more conversant with the general and specific rules of the Qur'ān than my father and his cousin?"

Invoking perspicuous verses of the Qur'ān, Lady Fāṭimah (ʿa) confronted Abū-Bakr with those arguments in the presence of the Migrants and the Helpers and demonstrated that all prophets could inherit and bequeath both wealth and kingship. Both David and his son Solomon, who were prophets, bequeathed to their heirs; Zachariah prayed for a son who would inherit his wealth and kingdom. The verse that talked about inheritance between kinsfolk was of general import and prophets were no exception. The law on children's inheritance from their parents was not specific to non-prophets; nor was there any *specification* that left out the prophets in the last verse she cited.

Fāṭimah's question was: "Are you more conversant with the general and specific rules of the Qur'ān than my father and his cousin?"

She meant to say that, had there been any *specification* of the laws of inheritance, the Apostle of God (ṣ) would have explained it to the people, especially his daughter and the Gate to the City of his knowledge (ʿa), because they needed that clarification more than others. He could not have concealed a rule of the divine law from his pure Household, the custodians of religion and repositories of his knowledge, especially when it affected only them, and explained it to those who had no kinship ties with him.

By citing the first set of verses which say that all prophets could bequeath, Fāṭimah (ʿa) had shown that Abū-Bakr's solitary *ḥadīth* was contrary to the Qur'ān, and by invoking the second set of verses which indicate the *generalness* of the law of inheritance with respect to Muslims, she demonstrated that his report was specifying that established generalness. Therefore, this solitary *ḥadīth* was contradictory to the Book of God on the one hand and unduly sought to specify its general provisions, on the other hand. Moreover, if Abū-Bakr's report were true then the Prophet's conduct would have been questionable, because it would have meant that he had concealed that rule from his daughter and her husband and all other Muslims, and secretly revealed to one man, an action that was unusual, considering his known policy on expounding the law. From another

perspective, that report cast doubt on the Ahl al-Bayt's proficiency in Islamic law, although the Apostle of God (ṣ) had commanded his followers to consider them authorities and obey them.

After suffering public disgrace and inability to counter Fāṭimah's arguments, there was nothing left for Abū-Bakr except to keep on repeating what he claimed to have heard from the Apostle of God, so that he might conceal his failure, confuse the people and make them believe that what he said was true. However, Fāṭimah spoke a second time in the same sitting, pointing out that his tenacity with regard to his report was disdainful of permanent Islamic rules and disrespectful to the Qur'ān and the sanctity of God's Apostle (ṣ). She answered him in astonishment, "Glory be to God! [How strange this is!] My father neither deviated from the Book of God nor defied its laws! Surely, he used to obey it and follow [the dictates contained in] its chapters. Would you resolve on treachery and support it with falsehood? Do you behave after his death, the way outrages were committed against him during his lifetime? Let the unmistakable word of the Book of God be the just judge between us, for it says: *...who may inherit from me and inherit from the House of Jacob*, and: *Solomon inherited from David*. Concerning the shares He had assigned for males and females in His legislation on inheritance, the Mighty and Sublime God has clarified everything and nullified the pretexts of deceivers and the removed doubts and confusion that may afflict future generations. Nay, *your souls have made a matter seem decorous to you, yet patience is graceful, and God is my resort against what you allege*."

Imam ʿAlī rejects Abū-Bakr's narration

Should any misgivings remain with the objective observer after Abū-Bakr's report, for which he was the only narrator, considered strange and false, and refuted, on the strength of the generalness of the verses of inheritance, by Imam ʿAlī ibn Abī-Ṭālib (ʿa)? The Imam had asked Abū-Bakr a number of times to return to Fāṭimah (ʿa) her legacy from her father, the gift he had given her and her share of the *khums*, and it was with his permission that she argued with Abū-Bakr for her rights.

Taking all this into consideration, is it proper for a believer to think that ʿAlī (ʿa) had opposed Abū-Bakr's view and rejected his report on mere speculation and without having full knowledge and without making the necessary deliberation on the matter? He said, "It is not just to judge an honest person based on speculation." He also said, "Never impute evil intention from a word that someone has uttered so long as a good meaning

to it is probable." This being the case, can a believer suppose that the master of the Prophet's progeny, ʿAlī (ʿa) was ignorant of the laws of inheritance, or he had erred, or he was acting unjustly in the matter? In fact, his profound honesty and God fearing quality precludes any possibility that he should give a decision, based on his predilection, in a case about which he did not know the right judgment, just to help his wife obtain some gain in this fleeting world, which was to him more inconsequential than the wing of a fly. Imam ʿAlī (ʿa) once said, "I swear by God that I prefer to spend the night on thorns without sleep, or to be dragged along in chains than to meet God and His Apostle (ṣ) on the Day of Resurrection having wronged some people or usurped some ephemeral worldly gains. How can I wrong anyone for the benefit of a *soul* that is rapidly deteriorating and whose stay in the earth will not be long. By God, if I were given the seven heavenly regions complete with all that is within their spheres, that I might disobey God by wresting a husk of wheat from an ant, I would not do so. This world of yours is worth less to me than a leaf that a locust chews with its mandibles. What will ʿAlī do with fleeting comforts and pleasures that do not last? We seek God's protection from mental lethargy and repugnance of committing error."[1]

Imam ʿAlī was more knowledgeable than the rest of the Companions

Was the Commander of the Faithful (ʿa) not the more versed in the Prophetic practice than the other companions?

The Holy Prophet (ṣ) said to ʿAlī (ʿa), "I am the city of knowledge and you are its gate. Whoever claims to be able to enter the city through any place but its gate has lied. God the Mighty and Sublime said: *and come to the houses from their doors*."

Jābir ibn ʿAbdullāh relates: The day the truce of Ḥudaybiyyah was signed, I saw the Apostle of God (ṣ) holding the hand of ʿAlī and saying: This is the leader of the pious, the executor of the vicious, his supporters shall be supported and his betrayers shall be betrayed.

He then raised his voice and said: I am the city of knowledge and ʿAlī is its gate; so, whoever wants to enter the house should come through the door.

This noble *ḥadīth* appears frequently in the works of both Sunni and Shīʿah scholars, where they refer to various occasions with various wordings.

1. *Nahj al-Balāghah*, sermon no.224.

Here is a sample: The Prophet (ṣ) said:

I am the house of wisdom and ʿAlī is its door."

"I am the house of knowledge and ʿAlī is its door."

"I am the balance of wisdom and ʿAlī is its two pans."

"ʿAlī is the door of my knowledge, and after me he will be the teacher of my community who shall explain the message I have been sent to deliver."[1]

There are many more reliable *aḥādīth* on this issue. This being the case, how could ʿAlī (ʿa) have been ignorant of the laws of inheritance especially those that pertained to the legacy of the Prophet's daughter?

Was the Prophet's leaving ʿAlī (ʿa) in darkness on that question not a repugnant thing, to which every sensible person would object?

Would that not mean casting aspersions on the sanctified personality of the conveyer of God's message, about whom God Almighty has said: *Your companion has neither gone astray nor gone amiss, nor does he speak out of [his own] desire: it is just a revelation that is revealed [to him], and taught him by One of great power*?

This divine declaration of his integrity coupled with the aforementioned narrations implies that the Prophet (ṣ) had indeed imparted what he knew to the Commander of the Faithful (ʿa) and nothing of the laws of inheritance could have been hidden from him and, consequently, the report that was narrated by Abū-Bakr alone must be invalid. This fact is emphasized by the large number of reports from the Prophet (ṣ), which testify to ʿAlī's superior learning and capacity in adjudication. He (ṣ) said, "The most learned of my community after me is ʿAlī ibn Abī-Ṭālib."[2]

In the same vein, ʿĀ'ishah said: ʿAlī, of all the people, is the most conversant with the Prophetic practice.[3]

Ibn al-Athīr relates a report that was transmitted by ʿAbd al-Malik ibn Sulaymān who said: I asked ʿAṭā' ibn Abī-Rabāḥ if anyone among the companions of Muḥammad (ṣ) was more learned than ʿAlī. He answered me: No, I swear by God, I am not aware of such a person.

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1. *Ḥilyah al-Awliyā'* 1:64; *Miṣbāḥ al-Sunnah* 2:275; *Dhakhā'ir al-'Uqbā* 77; *Kashf al-Khafā'* 1:203; *Kanz al-'Ummāl* 6:156.

2. Al-Khārizmī, *Manāqib* 82; *Kanz al-'Ummāl* 11:614.

3. Al-Bukhārī, *al-Tārīkh al-Kabīr* 2:255, 3:228; *Tārīkh Madīnat Dimashq* 42:408.

Ibn ʿAbbās said: ʿAlī ibn Abī-Ṭālib has been given nine tenths of knowledge and, by God, he is your associate in the remaining one tenth.[1]

Below are some narrations, which Ibn ʿAsākir recorded in *Tarīkh Dimashq*. Abū-Isḥāq al-Sabʿī relates from ʿUbaydah who said: I attended the company of ʿAbdullāh ibn Masʿūd for a year then I became ʿAlī's companion. I came to realize that the difference between the two in terms of knowledge was like that between the one having migrated [to al-Madīnah] and the one who remained a Bedouin.[2]

Ibn ʿAbbās says: The knowledge that people have has been divided into five; ʿAlī has four parts and he is a partner to the rest of the people in the remaining one fifth, and he even surpasses them in it.

Ibn ʿAbbās also says: If ʿAlī's view on an issue becomes known to us we do not leave it for another.

In another report, Ibn ʿAbbās says: If a reliable person relates something to us from ʿAlī we keep to it.

In another report, Jasrah said: The fast on the day of ʿĀshūrā' (the 10th of Muḥarram) was mentioned to ʿĀ'ishah, upon which she said: Who asked you to fast on that day?

They said that it was ʿAlī.

ʿĀ'ishah commented: Surely, of all the remaining [Companions] he is the most versed in the Prophetic tradition.

ʿAṭā' ibn Abī-Rabāḥ relates from ʿĀ'ishah that ʿAlī ibn Abī-Ṭālib was the most versed in the Prophetic practice and traditions.

Masrūq said: The foremost authorities were three: a scholar in al-Madīnah, another in Shām and a third in Iraq. The one in al-Madīnah was ʿAlī ibn Abī-Ṭālib, the one in al-Kūfah (Iraq) ʿAbdullāh ibn Masʿūd, and the one in Shām Abu'l-Dardā'. Whenever the three met, the scholars of Shām and Iraq would ask the one of al-Madīnah, while he never asked them anything.

ʿAbd al-Malik ibn Abī-Sulaymān said: I asked ʿAṭā' ibn Abī-Rabāḥ if anyone among the companions of Muḥammad (ṣ) was more learned than ʿAlī, and he answered me: No, I swear by God, I am not aware of such a person.

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1. *Usd al-Ghābah* 4:22; *Yanābīʿ al-Mawaddah* 2:171.

2. *Ibid*.

Al-Shiʿbī said: One day, as Abū-Bakr was sitting [with in a group of people] ʿAlī approached from afar. When Abū-Bakr saw him, he said: Whoever wishes to see a man with the highest station, the best kinsmen, the most famous and the most self-sufficient by virtue of what he received from the Apostle of God (ṣ), let him look at this man.[1]

ʿAlī ibn ʿĪsā ibn al-Fatḥ al-Arbīlī writes that Saʿīd ibn al-Musayyab said: I have heard a man asking ʿAbdullāh Ibn ʿAbbās about ʿAlī ibn Abī-Ṭālib (ʿa), and he replied, saying: ʿAlī has prayed towards the two directions (*qiblah*) and taken the two oaths of allegiance [to the Apostle]. He never worshipped any idol or image, nor hit his head with divining arrows. He was born with the unimpaired natural disposition (*fiṭrah*) and he did not associate anything with God even for an instant.

The man said: I did not ask you about that. What I am asking is how he carried his sword and deceived the people with it, until he reached al-Baṣrah where he killed 40,000 men. Then we went to Shām where he confronted some Arabs and caused dissension among them, which resulted in carnage. Then he proceeded to Nahrawān and exterminated its inhabitants, although they were Muslims.

Ibn ʿAbbās answered: In your opinion, who is more learned, ʿAlī or me?

"If ʿAlī were more learned than you I would not have asked you," he replied.

Upon hearing this, Ibn ʿAbbās became very angry and said: May your mother be bereaved of you! ʿAlī was the one who taught me, and he was taught by the Apostle of God (ṣ), and the Apostle of God (ṣ) was taught by God himself from below His Throne. Therefore, the Prophet's knowledge originated from God, ʿAlī's from the Prophet (ṣ) and mine from ʿAlī's (ʿa). And the knowledge of all the Prophet's companions was no more than a single drop from seven seas when compared to ʿAlī's knowledge![2]

What will the Muslim community say with regard to these narrations concerning the Commander of the Faithful's immense knowledge of the book of God and the traditions of His Apostle (ṣ), and how he stands in contrast with Abū-Bakr's solitary *ḥadīth*, not fit to be a challenger in the first place? What is more, the former had declared Abū-Bakr's report to be

1. *Tārīkh Madānat Dimashq* 42:407-411.

2. *Kashf al-Ghummah* 2:5; *Mughnī al-Muḥtāj* 4; 372; *Sunan Abī-Dāwūd* 2:160; *al-Sunan al-Kubrā* 10:140.

false.

Imam ʿAlī was the best judge of the Muslim community

Muḥammad al-Sharbīnī al-Khaṭīb says: When the Prophet sent ʿAlī to Yemen as a judge, ʿAlī said: "O Apostle of God! Are you sending me to them as a judge, while I am only a young man who does not know how to adjudicate?"

The Prophet (ṣ) tapped on his chest and prayed, "O God! Please guide him and make him firm in speech."

ʿAlī commented: I swear by Him Who causes the grain to split and created the souls, I have never doubted thereafter, while judging between two parties.

This narration is related by Abū-Dāwūd and al-Ḥākim, and the latter says that its chain of transmission is sound.[1]

Al-Haythamī relates that when the Apostle of God sent ʿAlī (ʿa) to Yemen [as governor], the case arose of a group of people who had set a trap for a lion. After it fell in the pit, they rushed forward [to watch], and one of them slipped into it. In desperation, the man held on to another and the second man held on to a third and the third to a fourth, all of them fell into the pit and were fatally wounded by the lion. Then someone attacked the animal with a spear and killed it. The wounded men all died from the injuries they had sustained. Then the relatives of the first man accused those of the last and this led to the drawing of swords. To avert the impending tragedy ʿAlī (ʿa) intervened and said, "Are you going to fight while the Apostle of God (ṣ) is living? I will judge between you. If you accept my decision, well and good, but if you are not satisfied, you must keep away from one another until you meet the Apostle of God (ṣ) who will then decide your case. After that, whoever among you engages in hostility, will be a transgressor. Now collect for me, from the clans of the people who dug the pit, a quarter of the blood money of a man, a third of it, half of it and the full amount. A quarter is [the blood money] of the first victim because he fell himself, a third for the second victim, half for the third victim, and the whole for the fourth…"

However, they rejected his verdict and instead appealed to the Prophet (ṣ) who was then in Makkah. They met him standing by the *Maqām Ibrāhīm* near the Kaʿbah and narrated their story. The Prophet (ṣ) said, "I will judge

1. *Mughnī al-Muhtāj* 4:372; *Sunan Abī-Dāwūd* 2:160; *al-Sunan al-Kubrā* 10:140.

between you."

Someone among them said, "ʿAlī has decided our case," and they told him the whole story, and he endorsed ʿAlī's judgment.

In another version, they narrated the story, upon which he said: "I will judge between you, God willing." At that time he was sitting at *Maqām Ibrāhīm.* Then a man stood up and said, "ʿAlī has decided our case."

The Prophet (ṣ) asked, "What was his verdict?"

They narrated the story, upon which the Prophet (ṣ) remarked, "That is the right verdict."[1]

Ibn Ḥajar writes: Ibn ʿAbbās said, "The best judge is ʿAlī." This saying was repeated, yet as a tradition that is not traced back to the Prophet (ṣ), but is consistent with the precedent of the Companions, and reported by Anas: The best judge of my community is ʿAlī ibn Abī-Ṭālib.

It is recorded by al-Baghawī.[2]

Ibn ʿAsākir writes that Ibn ʿAbbās said: The Apostle of God (ṣ) said: ʿAlī is the best person of my community who can judge with the Book of God. Whoever loves me should love him as well because no one can attain my patronage, except by loving ʿAlī.[3]

Scholars of *ḥadīth* and other fields of religious knowledge related from Ibn ʿAbbās that ʿUmar ibn al-Khaṭṭāb used to say: ʿAlī is the best judge among us.[4]

In this regard, ʿUmar's oft-repeated plea to God: I seek refuge with God from a difficulty for which Abu'l-Ḥasan (i.e. Imam ʿAlī) would be inaccessible, is well known. He also used to say: But for ʿAlī, ʿUmar would have perished.[5]

Abu'l-Ḥajjāj Yūsuf al-Mazzī says: Yaḥyā ibn Saʿīd relates that Saʿīd ibn Musayyib said: ʿUmar used to pray that no difficulty should arise while

1. *Majma' al-Zawā'id* 6:287.

2. *Fatḥ al-Bārī* 8:127.

3. *Tārīkh Madīnat Dimashq* 42:241; *Manāqib* pg.81 *Tafsīr al-Qurṭubī* 15:162; *Al-Mustaṣfā* pg. 170.

4. *Musnad Aḥmad ibn Ḥanbal* 5:113, *Al-Muṣannaf* 7:183; *Al-Mustadrak* 3:305; *Al-Mu'jam al-Awsaṭ* 7:357.

5. *Al-Ṭabaqāt al-Kubrā* 2:339; *Tārīkh Madīnat Dimashq* 42:406; *Usd al-Ghābah* 4:23; *Al-Bidāyah wa'l-Nihāyah* 7:397; *Al-Iṣābah fī Tamyīz al-Ṣaḥābah* 4:467.

Abu'l-Ḥasan was inaccessible.

Saʿīd ibn Jubayr quoted Ibn ʿAbbās to have said: Whenever we get a credible report from ʿAlī, we never seek a substitute.

Abū-Bakr al-ʿAyyāsh relates from ʿĀṣim from Zarr ibn Ḥubaysh who said: [One day] two men sat down for lunch and one of them brought with him five loaves of bread while the other three. Before they started eating, a man passed by and greeted them. They [returned his greeting and] asked him to sit down and share their meal. He accepted their invitation and together they ate the eight loaves equally. When the man rose to go he gave them eight dirhams and said they were compensation for what he had eaten. The man who supplied five loaves proposed that he should have five dirhams out of the money and his companion should take three, but the latter insisted that they should divide the money equally between them. As they could not settle their dispute, they appealed to the Commander of the Faithful, ʿAlī ibn Abī-Ṭālib for arbitration. When he heard their story he said to the man who had three loaves, "Your companion has offered you three dirhams, although his bread was more than yours, so accept them."

The man said, "I will not accept anything less than my full right."

ʿAlī said, "Your full right is not more than one dirham while he will have seven."

On hearing this, the man said, "Great God! O Commander of the Faithful, this man offered me three and I rejected them, you asked me to accept them and I was still not satisfied, and now you are telling me that I do not deserve more than a dirham?"

ʿAlī said to him, "Your friend offered the three dirhams by way of compromise and you insisted on what was yours by right but in that case you deserve only one dirham."

Then he said, "Please explain the reason why my right is what you say and I will accept it."

ʿAlī said, "If each loaf was divided into three parts then the eight loaves would make twenty-four parts which the three of you have eaten, and since you cannot tell who ate more than the other, you consider yourselves to have eaten equally."

"Yes," the man replied.

ʿAlī continued, "You ate eight parts while you had nine, and your friend also ate eight while he had fifteen, therefore what remained for you was

one part, and what remained for him was seven parts. Now you deserve one dirham for your one part while he deserves seven dirhams for his seven parts."

So, the man said, "Now I accept."

Muʿammar relates from Wahab ibn ʿAbdullāh from Abu'l-Ṭufayl who said: I heard ʿAlī delivering a sermon in which he said: Ask me (O people). By God, there is nothing you will ask me about but that I will give you the answer. Ask me about the Book of God. I swear by God that there is no verse of the Qur'ān but I know whether it was revealed at night or by day, in a plain or on a hill (i.e. I know the time and place of every verse that was revealed).

Saʿīd ibn ʿAmr ibn Saʿīd ibn al-ʿĀṣ says: I asked ʿAbdullāh ibn ʿAyyāsh ibn Abī-Rabīʿah the reason why the people were inclined towards ʿAlī. He answered: O my brother, ʿAlī possessed the knowledge one needed, he had influence among his kinsmen, he enjoyed superiority in religion, he was son-in-law to the Prophet (ṣ), he was versed in the Prophetic tradition, he was valiant at war and generous in rendering assistance. His merits and virtues are countless. May God be pleased with him.[1]

Ibn Abi'l-Ḥadīd says that Abū-Bakr al-Anbārī has related (in *al-Amālī*) that one day, ʿAlī joined ʿUmar's circle in the mosque and when he left, someone maligned and accused him of haughtiness and pride. ʿUmar said, "He deserves to be proud! I swear by God that had it not been for his sword, Islam would not have taken root. In addition he is the best judge of the Muslim community, its foremost vanguard and its noblest man."

The man said, "So, what prevents you from accepting him [as leader], O *Commander of the Faithful*?"

"We disliked him because of his youthful age and Banū-ʿAbd al-Muṭṭalib clan's adoration for him," ʿUmar replied.[2]

From the foregoing, it is clear that the three chiefs (Abū-Bakr, ʿUmar and ʿUthmān) and indeed the rest of the companions considered ʿAlī (ʿa) an authority that no one can deny. Even his sworn enemy, Muʿāwiyah ibn Abī-Sufyān, who fought him and compelled the people to curse him from the pulpits, admitted that ʿUmar ibn al-Khaṭṭāb used to consult him. When he received the news of the assassination of the Commander of the Faithful

1. *Tahdhīb al-Kamāl* 20:485.

2. *Sharḥ Nahj al-Balāghah* 12:82.

(ʿa), Muʿāwiyah said, "Learning and jurisprudence have gone with the death of the son of Abū-Ṭālib. ʿUmar used to refer to him whenever he faced a difficulty."[1]

The Companions consulted Imam ʿAlī

Reliable reports from the Apostle of God (ṣ) and his senior companions say that Imam ʿAlī (ʿa) was the most learned and the best judge of the Muslim nation, and that the other companions, including the three chiefs, used to consult him whenever they encountered intricate questions that they could not solve. They had committed many mistakes; they had withdrawn many a decision after realizing their error; the three leading companions had contradicted one another in many cases and each had even contradicted himself. However, one cannot find a single authentic narration which shows that the Commander of the Faithful (ʿa) had turned to anyone apart from the Apostle of God (ṣ), or changed a verdict he had given or erred in judgment, despite the complex problems that he faced, especially those that plagued the nascent Islamic society after the caliphate returned to him. None of the earlier caliphs faced the type of challenges that he had to contend with such as the civil strife spearheaded by the *Perfidious*, the *Unjust* and the *Apostates*. In spite of all that, he never turned to anyone among the companions for guidance or advice because he possessed the solution to all predicaments. As a result of this, Ṭalḥah and Zubayr reproached him, after recognizing him as caliph, for refusing to seek their counsel the way his three predecessors sought the advice of the companions. The two men were surprised that he should indicate that he did not stand in need of them or of others, and they thought that he was opinionated. In reply to their reproach, he said, "When caliphate came under my control, I referred to the Book of God and implemented the laws which it enacted and commanded us to follow. Likewise, I observed the precepts laid down by the Prophet (ṣ) and followed them. Because of this, I do not stand in need of your opinion or the opinion of anyone else. There is no law that I am unaware of, which would have necessitated my asking for your counsel or that of the rest of my Muslim brothers. Had there been such a need I would not have hesitated to ask you or any other…"[2]

1. *Alif Bā'* 1:222; *al-Riyāḍ al-Naḍirah* 2:195.

2. Muḥammad ʿAbduh, *Commentary on Nahj al-Balāghah* 2:210.

Imam ʿAlī knew the laws of inheritance better than the others

It was an accepted fact that the ʿAlī (ʿa) knew perfectly well, the different aspects of the laws of inheritance, their intricacies and the philosophy behind their enactment. He arrived at his verdicts effortlessly, and his decisions never diverged from the Book of God and the traditions of His Apostle; he never issued a ruling based on independent judgment, because of the adequacy of the Book and the Prophetic practice. The Almighty says: "*We have not omitted anything from the Book*." [Sūrah al-Anʿām, verse 38]

"*Today I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam as your religion.* [Sūrah al-Mā'idah, verse 3]

In an authentic *ḥadīth*, the Prophet (ṣ) says: "Surely, I have been given the Book and something similar to it. Surely, I have been given the Qur'ān and something similar to it."

He also said, "I am leaving you on a bright and perspicuous ideal; no one will deviate from it after me, except the ruined."

The secret behind ʿAlī's excellence in legal matters and the reason why he did not need to apply analogy and individual judgment, was that he had a complete understanding of the glorious Qur'ān and the precepts and conduct of the Apostle (ṣ) unlike the others, a fact well documented in biographical and historical works. Al-Bulādharī and Ibn ʿAsākir narrate that Saʿīd ibn Wahab related from ʿAbdullāh who said: It is said that the most learned of the people of al-Madīnah in the laws of inheritance was ʿAlī ibn Abī-Ṭālib (ʿa).[1]

ʿUbaydullāh ibn Aḥmad al-Ḥākim al-Ḥasakānī narrates that ʿAbdullāh ibn Masʿūd said: The most learned and well versed in law of the people of al-Madīnah is ʿAlī ibn Abī-Ṭālib (ʿa).[2]

When we look at the leading Sunni jurists, we find that Mālik ibn Anas was a student of Rabīʿah al-Ra'y, who was a student of ʿIkrimah, who was a student of ʿAbdullāh Ibn ʿAbbās, who was a student of ʿAlī ibn Abī-Ṭālib

1. *Ansāb al-Ashrāf* 2:105; (and in the glosses of this page that are taken from Aḥmad ibn Ḥanbal's *Faḍā'il* ḥadīth no. 11; *Akhbār al-Quḍāh* 1:89 and *Tārīkh Dimashq* 42:405).

2. *Shawāhid al-Tanzīl* 1:34.

(ʿa). Since al-Shāfiʿī studied under Mālik ibn Anas, one can trace back the source of his jurisprudential activity to the teachings of ʿAlī ibn Abī-Ṭālib (ʿa) and the same is also true with regard to all of the four famous authorities of Sunni jurisprudence. As for Shīʿite jurisprudence, its origination from ʿAlī ibn Abī-Ṭālib (ʿa) is evident. The two foremost jurists among the Companions, namely ʿUmar ibn al-Khaṭṭāb and ʿAbdullāh Ibn ʿAbbās, were both indebted to ʿAlī (ʿa) for their knowledge of the law. Ibn ʿAbbās was a direct disciple of ʿAlī (ʿa).

Both Sunni and Shīʿah scholars related the Prophet's saying: The best judge among you is ʿAlī.

Since legal expertise presumes skill in jurisprudence, he was the greatest jurist among the companions. Instances of ʿAlī's judgments, include his rulings in:

The case of the woman who gave birth to a child six months after her marriage;

The pregnant woman who committed adultery,

The case that was brought before him while he was delivering a sermon from the pulpit, about which he said, "Its (i.e. the estate's) one eighth has turned into one ninth."

Poor knowledge of the Prophetic Traditions entails deficiency in legal decisions

The first thing Abū-Bakr did on his inauguration as caliph after the passing away of the Prophet (ṣ) was a sermon he delivered. He said: "By God, I am not the best of you; I dislike my present position and I would have preferred that someone else had relieved me of it, if there was such a person among you. You expect that I will work with the practice of the Apostle of God (ṣ) but I cannot. The Apostle of God (ṣ) was infallible by virtue of revelation from God and an angel accompanied him while I am haunted by a devil, so avoid me whenever I am angry [lest my actions should affect your persons.] So take heed. If I am upright support me, and when I go astray, correct me."

This narration has been related in several versions. One of them is: "O people! I have been made your ruler although I am not the best among you. The allegiance sworn to me was a hasty affair and that was because I feared that dissention would break out. I swear by God that I have never desired it for a moment, nor did I seek it or entreated God, either secretly

or openly, to grant it to me. I am in no ease with this position. I have indeed assumed an onerous task for which I have no power or capacity; would that the most capable person were in my stead!"

In another version, we have: "O people! You charge me with the duty of applying the traditions of Muḥammad (ṣ) but God used to protect His Prophet with the revelation. By God, I would have liked to be relieved of it. There is a devil that afflicts me three times [a day?] so when it visits me you should keep away from me; lest my actions should affect your persons. Promise to support me: follow me whenever I act uprightly and correct me if I deviate."

In another version, "I have a devil that visits me therefore if you see that I am angry you should answer me [promptly] so that I may not injure your persons and honor…"[1]

The tone of this narration is obvious to the reflective reader. From one angle it shows that Abū-Bakr made it clear to the people among whom were the Migrants and the Helpers, that he was not superior and more entitled to the leadership than the rest, in fact, a better and more deserving person existed among them. He stressed this point by swearing on God, so that those who did not know his situation should not think that his words were said out of modesty. Another point is that he did not have the capacity to lead the Islamic nation according to the Sunnah of the Prophet (ṣ). Thirdly, the narration explicitly declares that Abū-Bakr was frequented by a devil which upset his psychological state, as a result of which he becomes irritable, sometimes.

Abū-Bakr's remark that he would not be able to rule in accordance with the traditions of the Apostle of God (ṣ) meant that he was not conversant with the Prophetic practice. If, while hearing a case, he happened to be in a bout of bad temper in addition to his deficient knowledge of the Prophetic traditions what could be expected of his decisions? Surely whoever has these traits does not deserve to hold the position of leader of the Muslim nation, or successor of the Prophet (ṣ), or judge or any high position. It is noteworthy that Abū-Bakr revealed these personality's traits of his after the people had paid allegiance to him and he had consolidated his power; he

1. *Al-Muṣannaf* 11:336 ḥadīth no. 20, 701; *Al-Ṭabaqāt al-Kubrā* 3:212; *Al-Mu'jam al-Awsaṭ* 8:267; *al-Imāmah wa'l-Siyāsah* 1:34; *Tārīkh al-Ṭabarī* 2:460; *Tārīkh Dimashq* 3:303, 304; *Al-Bidāyah wa'l-Nihāyah* 6:334; *Kanz al-'Ummāl* 5:631 ḥadīth no.14, 112; *Majma' al-Zawā'id* 5:183; *Sharḥ Nahj al-Balāghah* 2:50, 6:47; *Subul al-Hudā wa'l-Rashād* 12:315.

did not mention them during the convention of Saqīfah when ʿUmar proposed him as leader or before the general oath of fealty. It is very surprising how Abū-Bakr's supporters resorted to deliberate misconstructions of this narration to explain away its evident implications. Worst of all, they even raised him to the position of outstanding scholars of the Prophetic traditions and Islamic law, as if they knew him better than himself!

A close look at Abū-Bakr's observations will reveal that they were no less dangerous than the remark ʿUmar made when the Prophet (ṣ) ordered that writing materials be brought to him so that he might write a document, which would save the Muslims from deviating from the path of Islam. On that occasion, ʿUmar said that the Prophet (ṣ) was delirious and that the book of God was sufficient for them and they did not need that document. Similarly Abū-Bakr's remarks, "You expect that I will work with the traditions of the Apostle of God (ṣ) but I cannot do that."

Abū-Bakr was not absent when ʿUmar opposed the Apostle of God (ṣ) on the day he intended to have the document written during his last illness. In fact, he might even have shared ʿUmar's stand for he adopted the motto of "*The Book of God is sufficient for us*" in many steps that he took subsequently. Foremost among them was his prohibition of recording the Sunnah or relating it verbally, with the exception of what would serve his policies, and even in that case only persons authorized by him were allowed. Abū-Bakr used to tell the people that whenever they were asked about any religious question they should simply say that the Book of God was there before them all.

Al-Dhahabī writes in *Tadhkirat al-Ḥuffāẓ*: Among the *mursal aḥādīth* of Ibn Abī-Mulaykah is one, which says that after the passing away of the Prophet (ṣ), Abū-Bakr assembled the people and addressed them. He said, "You are narrating some reports from the Apostle of God (ṣ) differently from one another, and those who will come after you will differ the more. Therefore stop narrating anything from the Apostle of God (ṣ) and whoever asks you [about religion] tell them that the Book of God is before us so treat as lawful whatever it declares lawful and treat as unlawful whatever it declares unlawful."

Al-Muttaqī al-Hindī writes: ʿImād al-Dīn ibn Kathīr relates in *Musnad al-Ṣiddīq* that al-Ḥākim al-Nayshābūrī reports: Abū-Bakr ibn Muḥammad al-Ṣarīfīnī informs us in Marw that Mūsā ibn Ḥammād heard from al-Mufaḍḍal ibn Ghassān from ʿAlī ibn Ṣāliḥ from Mūsā ibn ʿAbdullāh ibn

Ḥasan ibn Ḥasan from Ibrāhīm ibn ʿAmr from ʿUbaydullāh al-Tamīmī from al-Qāsim ibn Muḥammad who said that one day ʿĀ'ishah observed: My father collected the narrations from the *aḥādīth* and they amounted to five hundred. One night, he was very uneasy and I became worried by his condition, so I asked him whether his trouble was a result of some complaint or some upsetting information he had received. The following morning he asked me to bring [the collection of] the *ḥadīth* that was in my custody which he took and burned. Then he said: "I fear that I may die and leave these *aḥādīth* with you. Some of them might have been related by a person I had considered trustworthy, who might have been otherwise, and I will have to bear the responsibility for it."

Al-Qāḍī Abū-Umayyah al-Aḥwaṣ ibn al-Mufaḍḍal ibn Ghassān al-Ghulābī also related this report from his father, from ʿAlī ibn Ṣāliḥ, from Mūsā ibn ʿAbdullāh ibn Ḥasan ibn Ḥasan ibn ʿAlī ibn Abī-Ṭālib, from Ibrāhīm ibn ʿUmar ibn ʿUbaydullāh al-Tamīmī, from Qāsim ibn Muḥammad, or ʿAbd al-Raḥmān ibn Qāsim ibn Muḥammad, Mūsā was not sure which one of the two, who said: ʿĀ'ishah said… and he related the whole narration. After the words: *and I will bear the responsibility for it*, this narrator added that Abū-Bakr said: "And it is possible that I have missed some *ḥadīth*, but someone might deny it and say that if the Apostle of God (ṣ) had uttered any other ḥadīth it would not have been unknown to Abū-Bakr. I have narrated the *ḥadīth* to you but I do not know, perhaps I have not checked it word by word."[1]

We have no objections against those who, by saying that the Book of God was sufficient, intend to hold steadfastly to the teachings of the divine Book since to abide by the Qur'ān does not mean discarding the Prophetic traditions. Sticking to the Qur'ān means taking recourse to the Prophetic tradition which serves as exposition to the Qur'ān and without which it cannot be fully understood. The Qur'ān itself commands us to follow the Prophetic traditions and to obey the Holy Prophet (ṣ); and warns us from contravening his orders. Our objection is directed at those who raise the slogan of *The Book of God suffices us*, claiming that they could dispense with the Prophetic traditions; those who prohibited the people from discussing and propagating it, and burned what was recorded thereof, and consequently a good part of it was lost. This prohibition continued to the end of the first century after Hegira until the reign of ʿUmar ibn ʿAbd al-

1. *Tadhkirat al-Ḥuffāẓ* 1:2; *al-Fuṣūl fi'l-Uṣūl* 1:161; *Kanz al-'Ummāl* 10:285; ḥadīth no. 29460; *Aḍwā'un 'ala'l-Sunnah al-Muḥammadiyah* 46, 53, 404.

ʿAzīz who gave orders for the recording of the Prophetic traditions.

ʿUmar applies personal opinion in judging cases of inheritance

How can he justify occupying the position of judge, if he suffers from deficient knowledge of the Prophetic traditions and the laws of inheritance, and takes recourse to conjecture and personal opinion, resulting in decisions that contradict the divine law of Islam? It has been reported in a number of sound narrations that Ḥakam ibn Masʿūd al-Thaqafī said: I have witnessed ʿUmar ibn al-Khaṭṭāb's judgment in a case of inheritance in which he made brothers-german and those only from the mother's side to share a third of the estate. Then a man said to him, "Last year, you gave a different decision in a similar case."

"What was my ruling in that case?" ʿUmar inquired.

"You gave it to the brothers from the mother's side and left out the brothers-german," the man replied.

ʿUmar said, "Both the earlier case and this one are based on our judgment."

In another version, he is reported to have said: "That one was based on our judgment at that time and this one is based on our present judgment."[1]

Passing judgment on the basis of one's individual opinion invariably ends up in contradicting the Qur'ān and the Prophetic traditions and this was what happened to ʿUmar and others who followed their personal judgment in dealing with divine law.

Al-Shāfiʿī says: Sufyān ibn ʿUyaynah informs us from al-Zuhrī, from Saʿīd ibn Musayyib who said that ʿUmar ibn al-Khaṭṭāb used to say that blood money is for the clan [of the victim] and the wife does not inherit anything from the blood money of her deceased husband. It was when al-Ḍaḥḥāk ibn Sufyān informed him that the Prophet (ṣ) had written to the former that he should give the wife of al-Ḍabābī her share of inheritance from his blood money that ʿUmar changed his stand. Aḥmad ibn Ḥanbal relates through al-Zuhrī, from Saʿīd the same incident verbatim

Al-Shāfiʿī says: ʿUmar used to rule that fifteen camels was [the compensation for injury that causes the loss of] the thumb, ten each for the

1. Al-Kūfī, *al-Muṣannaf* 7:334; al-Ṣanʿānī, *al-Muṣannaf* 10:249 ḥadīth no.19005; *al-Tārīkh al-Kabīr* 2:331 ḥadīth no. 2652; *al-Sunan al-Kubrā* 6:255; *Mīzān al-Iʿtidāl* 1:579 ḥadīth no.2199; *Lisān al-Mīzān* 2; 338 ḥadīth no.1379.

middle finger and the forefinger, nine for the ring finger and six for the little finger. When a document with the family of ʿAmr ibn Ḥazm showed that the Prophet (ṣ)written for him that the compensation for every finger is ten camels, people left ʿUmar's ruling and upheld what the document contained. Their action was similar to what ʿUmar himself did when he abandoned his own opinions in compliance with the Prophet's orders, and this was what God obliged ʿUmar, his contemporaries and all the people to do. This shows that their ruler was exercising his independent judgment in legal decisions in cases where precedents from the Prophet (ṣ) existed, but he and most of the people did not know.[1]

The aim here is not to recount all the instances of ʿUmar's rulings where he had contradicted himself or changed his former judgments after realizing that they were at variance with the provisions of the law, rather we wish to emphasize the impropriety of his approach to legal matters. It was absolutely prohibited in the view of the Ahl al-Bayt (ʿa) for one to deliver judgments or issue verdicts concerning the divine law without having the necessary legal knowledge. They held that God's religion could not be attained through independent judgment and analogy and relying on these two methods would result into its effacement. The first three caliphs opened the door to these practices because of their deficiency in the knowledge of the Book and the Prophetic traditions, and, as a result, many rules of Islamic law have been lost, and uncertainties, differences of opinion and outright effrontery with respect to the Prophet's conduct and precepts ensued. The matter reached a climax when some rulers, princes and other notables displayed sheer insolence in contravening the texts of the Qur'ān or the Prophetic traditions, a clear act of unbelief.

Mālik relates that ʿAṭā' ibn Yasār said that one day Muʿāwiyah ibn Abī-Sufyān sold a golden drinking vessel for more than its weight in gold coins. Abu'l-Dardā' said to him, "I heard the Apostle of God (ṣ) forbidding such a transaction (between gold and gold) except for equal weights."

"I do not see anything wrong with that," Muʿāwiyah replied.

"Who will help me against Muʿāwiyah?" Abu'l-Dardā' returned. "I am informing him about what the Apostle of God (ṣ) said and he is giving me his own opinion. I will never live in the same land as him again."[2]

1. *Kitāb al-Umm* 1:177.

2. *Al-Muwaṭṭa'* 2:634; Al-Shāfiʿī, *al-Risālah* 446 ḥadīth no. 1228; *al-Sunan al-Kubrā* 5:280; *al-Maḥṣūl* 4:376.

Judging between people without deserving to do so

Imam ʿAlī, the Commander of the Faithful, used to criticize the practice of applying independent judgment and taking the high seat of judgment by those who were deficient in the knowledge of the Book of God and the Prophetic traditions. Perhaps the reason behind his incessant censure of the practice of passing legal decisions on the basis of personal judgment and speculation was occasioned by the trouble he had to endure from its pioneers and the large number of people who followed their footsteps in that regard. The aim of ʿAlī (ʿa) was to warn the ignorant and to restore, for the Muslims, the correct foundations of law that rested on the bases of the Qur'ān and the Prophetic traditions, so that they may not slip into injustice, oppression and violation of God's law.

In one of his celebrated speeches, Imam ʿAlī (ʿa) says: "Indeed, the most detestable [groups of] people in the sight of God are two. [The first is exemplified by] he whom God has left to his own devices, who has strayed from the straight path, fascinated by heretical speech and call to deviation. He is seducer to those who succumb to his sedition; misguided from the way of his predecessor; misguides those who follow his lead when he is alive or after his death; bears the responsibility of the offences of others; and inextricably attached to his sins.

[The second group is represented by] he who has embraced ignorance, being a fellow traveler of the ignorant folk of the nation. He has abandoned the terms of peace and reverted to the darkness of sedition. Pseudo-men call him a scholar, although he is not one. He takes a hasty step and goes to excess in gathering that of which a little is better than a lot. When he has satiated himself with unwholesome drink and amassed that which is of no avail, he assumes the seat of judgment and takes upon himself the responsibility of clarifying what was confusing to the people. Whenever he encounters an ambiguous question, he puts together a jumble of his personal opinions and delivers judgments while completely trapped in a mesh of uncertainty, not knowing whether he is right or wrong. If he is right, he still fears that he might have been wrong, if wrong, he hopes that he is right. He lives, an ignorant man who often commits blunders; he is not versed in knowledge; he scatters the narrations (i.e. considers them disjointedly) as the wind scatters straw about. By God he is neither capable of conveying the knowledge he has heard, nor deserving of the task entrusted to him. He does not deem anything that he has rejected as containing knowledge, and he does not think that anyone else could have a

different opinion, which is beyond his utmost understanding. Whenever some matter proves obscure to him, he hides it because of his ignorance that he is well aware of. Cases involving bloodshed or inheritance suffer the glaring injustice of his decisions.

To God do I complain of a people who live as ignorant folk and die a misguided lot! They do not consider more unprofitable an article of merchandise than the Book when it is properly invoked, nor a more profitable one with a higher price than the Book when it is misinterpreted. There is nothing more detestable and wrong (*munkar*) in their eyes than that which is right and proper (*maʿrūf*), and nothing more proper than that which is wrong."[1]

Yes, unlawfully spilled blood and denied or usurped inheritance, including the legacies of orphans and the destitute, were patent instances of the injustice of his verdicts. This was the first tribulation that befell the Islamic nation immediately after the departure of its Prophet (ṣ) and it has persisted to this day as the opponents of the Ahl al-Bayt (ʿa) robbed them of political authority, a position that was naturally theirs. In addition, they managed to take over their legitimate resources through unjust laws.

Epilogue

We have seen, on the strength of transmitted and rational arguments, that it was impossible for the Apostle of God (ṣ) to leave his pure Ahl al-Bayt (ʿa) ignorant of the laws of inheritance, especially those that affected them directly. The reason is that his established quality of infallibility, great wisdom and position as the last Prophet (ṣ) required that he should have instructed them. It has also become clear that his daughter Fāṭimah Zahra (ʿa), who was truthful in word and deed and free from all spiritual impurities, had cited Qur'ānic verses and refuted Abū-Bakr's arguments when she disputed with him, a fact which proved her superior knowledge. Similarly, our discussions have shown that her husband Imam ʿAlī (ʿa) knew Islamic laws better than all the Muslims and was the best jurist. The companions of the Prophet (ṣ) used to consult him on questions of law while he was independent of all. We have also seen that he supported his wife in her dispute with Abū-Bakr, only in defense of the truth. Finally, it has come to light that Abū-Bakr and ʿUmar were deficient in the knowledge of the laws of inheritance, which caused them to make errors several times and revise a number of their verdicts.

1. *Nahj al-Balāghah* sermon 17.

CHAPTER SIX
ABŪ-BAKR'S REPORT: THEIR ONLY ARGUMENT

A critique of Abū-Bakr's report

In this section we will take a fresh look at the narration, "*We prophets do not bequeath anything; whatever we leave behind is charity*" from several angles.

First: Some Sunnis claim that this report, which Abū-Bakr related, shows that he was superior to all Muslims in terms of knowledge! Our aim here is not to assess his level of knowledge or to refute the yarns that have been spun in that regard, for that would require a separate write up. Our concern here is how to react to all that hype about his superior knowledge. Do we accept the consensus of the Muslim nation that Abū-Bakr was the only person who narrated the report in question from the Prophet (ṣ) and no one else has heard it from him? Or, do we believe the claim of some Sunni scholars that other companions, apart from Abū-Bakr, related it from the Prophet (ṣ)? In the second case, the praises showered on him would become meaningless and the notion of his having possessed superior knowledge would vanish.

In a more amazing manner, they count as signs of Abū-Bakr's intellectual pre-eminence, a number of instances where he was said to have shown the way out when the people were at a loss. For example, it is narrated that ʿĀ'ishah said: "When the Apostle of God (ṣ) died, hypocrisy reared its head and some Arabs reneged on their faith, while the Helpers withdrew [from active participation]. My father faced a crisis that was so serious as to make the firmest of men yield under its weight. Whenever the people differed concerning anything, he promptly solved the matter. When they asked one another where they would bury the remains of the Apostle of God (ṣ), we find no one with information about that. Abū-Bakr said: I heard the Apostle of God (ṣ) saying: 'Whenever a prophet died, he was buried in the ground below his deathbed.' When they disagreed concerning his estate and no one had certain knowledge about that, he said: I heard the Apostle of God saying: We prophets do not bequeath anything; whatever

we leave behind is charity."[1]

However, these assertions cannot stand the test of intellectual scrutiny because mutually contradictory things can never coexist. Take the words in ʿĀ'ishah's report: *we find no one with information about that*, and compare it with the reports recorded by al-Bukhārī, Muslim and other authors of prominent *ḥadīth* works. On the authority of Jābir ibn ʿAbdullāh, Saʿd ibn Abī-Waqqāṣ, ʿAbdullāh ibn ʿĀmir, Abū-Saʿīd al-Khudrī, Abū-Hurayrah and ʿAbdullāh ibn Zayd al-Māzinī, the Apostle of God (ṣ) said: The place between my tomb and my pulpit is a meadow from the meadows of Paradise.

Other variants of the narration read that the Holy Prophet (ṣ) said:

The place between my house and my pulpit is a meadow from the meadows of Paradise.

Whoever wishes to pray in a meadow from among the meadows of Paradise should pray in the place between my tomb and my pulpit.[2]

Ibn Abi'l-Ḥadīd says: How could they have disagreed concerning the place he was supposed to be buried while he said to them [during his illness]: Lay me on my bed in this chamber of mine, by the side of my grave.

This was a clear indication that he was to be buried in the chamber in which he assembled them, and that was ʿĀ'ishah's chamber. Therefore, either this report was not authentic, or the report saying that they differed on the issue until Abū-Bakr told them that the Prophet (ṣ) said that prophets are buried at the place where they die, was not authentic, because it is impossible to reconcile the two reports. Moreover, the second report contradicts the narrations with respect to a number of prophets whose remains had been carried to other places and buried there, as mentioned by al-Ṭabarī in the stories of the prophets from the Children of Israel.[3]

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1. *Al-Ṭabaqāt al-Kubrā* 2:292; *Tārīkh Madīnat Dimashq* 30:311; *Kanz al-'Ummāl* 12:488.

2. *Ṣaḥīḥ al-Bukhārī* 2:57 & 225, 7:209, 8:153; *Ṣaḥīḥ Muslim* 4:123; *al-Muwaṭṭa'* 1:197; *Musnad Aḥmad* 2:236, 376, 397, 401, 412, 438, 466, 533; *Musnad Abī-Hurayrah* 434; *Musnad Abī-Sa'id al-Khudrī* 3:4, 64 & 390; *Ḥadīth 'Abdullāh ibn Zayd ibn 'Āṣim al-Māzinī* 4:39, 41 & 42; Al-Ṣanʿānī, *al-Muṣannaf* 3:182, 183 (ḥadīth 5241-5245); *Musnad Abī-Bakr 'Abdullāh ibn Zubayr al-Ḥumaydī* 1:139; *Musnad Abī-Ya'lā al-Mawṣilī* 1:109, 2:496, 3:319, 462, 11:27; *Ṣaḥīḥ Ibn Ḥabbān* 9:65.

3. *Sharḥ Nahj al-Balāghah* 13:39.

ʿĀ'ishah's report is not authentic. Perhaps it is a fabrication put in her mouth for the purpose of raising the position of her father.

Why did the narrators not tell us who had differed on the matter?

Was it the Ahl al-Bayt (ʿa) or a different group of people? Or, did the Apostle of God (ṣ) assign the task of performing his burial rites to anyone other than the Commander of the Faithful ʿAlī (ʿa) and his kinsmen?

Were his remains attended to and buried by anyone other than them?

Besides the Hāshimites, did anyone among the Quraysh attend his burial rites?

Did Abū-Bakr or ʿUmar or anyone else from the Quraysh help in burying his remains or were they engaged with grabbing the caliphate and consolidating their power at the convention of Saqīfah Banū-Sāʿidah?

Indeed, they took advantage of Imam ʿAlī's preoccupation with that sacred duty as his family members kept the door of the Prophet's house closed and the companions allowed them privacy. After performing the prescribed rites, the Commander of the Faithful ʿAlī (ʿa) left the bier for two or three days before burying it with only his relatives' assistance.

Ibn Abī-Shaybah al-Kūfī relates that Hishām ibn ʿUrwah narrated from his father that Abū-Bakr and ʿUmar did not attend the Prophet's burial; they were in the Helper's quarters and before they returned he was buried.[1]

The Prophet of God (ṣ) was buried at night by ʿAlī (ʿa) and three or more Hāshimites who had helped him, and no one else knew about it until the following Wednesday. Some narrations show that the Prophet's wives heard the clatter of spades at night and it was then that they knew of his burial. Aḥmad ibn Ḥanbal relates that ʿĀ'ishah said: We were not aware of the burial of the Apostle of God (ṣ) until I heard the clatter of spades towards dawn on Wednesday.

ʿAbd al-Razzāq al-Ṣanʿānī relates the same.[2]

Muḥammad ibn Saʿd writes that al-Zuhrī related from his father from Ṣāliḥ ibn Kaysān from Ibn Shihāb who said: The Apostle of God (ṣ) died at noon

1. *Al-Muṣannaf* 8:572; *Kanz al-'Ummāl* 5:752 ḥadīth no. 14:139.

2. *Musnad Aḥmad* 6:62; Al-Ṣanʿānī, *Al-Muṣannaf* 3:520 ḥadīth no. 6551; Al-Kūfī, *al-Muṣannaf* 3:227; *Sharḥ Maʿānī al-Athar* 1:514; *Tārīkh al-Ṭabarī* 2:452; Ibn Kathīr, *al-Bidāyah wa'l-Nihāyah* 5:291; Ibn Qudāmah, *al-Mughnī* 2:417; Ibn Qudāmah, *al-Sharḥ al-Kabīr* 2:418.

on Monday but the people were preoccupied with the Saqīfah of Banū-Sāʿidah, so his burial was delayed till the night [of Tuesday]. The Banū-Ghunm had already retired [for the night] when they heard the clatter of spades as his grave was being dug.

In another report, Mālik ibn Anas said that he heard that the Prophet's wife Ummu-Salamah used to say: I could not believe that the Prophet (ṣ) had died until I heard the sounds of axes.[1]

Ibn Abi'l-Ḥadīd writes: Abū-Jaʿfar said: ʿAmrah bint ʿAbd al-Raḥmān ibn Asʿad ibn Zurārah relates from ʿĀ'ishah: We did not know about the Apostle of God's burial until we heard the sound of spades late night on Tuesday.

It is indeed surprising that ʿĀ'ishah, in whose house he was, should be unaware of his burial until after hearing the sound of spades. Where could she have been?

When I put this question to a group of scholars they answered that perhaps she may have gone to her neighbors in the company of women mourners, as the bereaved were wont to do according to custom. She might have left her house, because of the male members of the Prophet's family and other companions. And this is probable.[2]

Ibn Abī-Shaybah al-Kūfī relates that al-Zuhrī related from Saʿīd that only four people covered the Prophet (ṣ) in his shroud and buried him: they were ʿAlī, ʿAbbās, Faḍl and Ṣāliḥ, the Prophet's freed slave.[3]

Had it not been for the preoccupation of the Commander of the Faithful (ʿa) and his relatives attending to the remains of the Master of creatures (ṣ), the people would not have been able to grab the caliphate. And, since the Prophet (ṣ) had informed his followers about the place he should be buried, hardly any merit remained for Abū-Bakr on that account, nor was there any meaning for their differences about the place! In truth, it was because the narrators wanted to prop up the report: *Prophets do not bequeath anything* and save it from total collapse that they invented stories similar to it. Wouldn't the reliability of the people who give their approval to these cheap lies that are fabricated against the Apostle of God (ṣ) and his noble companions, become questionable?

1. *Al-Ṭabaqāt al-Kubrā* 2:304.

2. *Sharḥ Nahj al-Balāghah* 13:40.

3. *Al-Muṣannaf* 3:205.

Second: There is an obvious contradiction in the last part of Abū-Bakr's report. The first part of [one version] says, "*We prophets do not bequeath gold or silver or house or [any other landed] property*," and rules out their bequeathing of properties or money. The second part, "*however we bequeath faith, wisdom, knowledge and traditions*," or, in another variant, "*we only bequeath knowledge, prophethood and the Book*," proves that these things were inheritable from them. That being the case, there is no doubt that the Ahl al-Bayt (ʿa) must have inherited the Book, the Prophetic traditions, knowledge, faith and wisdom from the Apostle of God (ṣ). Then why did they not inherit that *lone report* which teaches the rules of inheritance although it was part of the Prophetic traditions?

Had they misunderstood the Qur'ān even though they were its inheritors?

Does Abū-Bakr's narration not mean that the Ahl al-Bayt (ʿa) were indeed heirs to the Prophet's wisdom, faith, traditions and his knowledge of the Book, but the laws of inheritance?

Is this not so manifest a contradiction that even the unlearned cannot accept it as true?

Whichever way the narration was worded, it is undeniable that the Ahl al-Bayt (ʿa) were heirs of the Prophet (ṣ), because other reports such as the Prophetic traditions of the *Two Weighty Things*, the *Ship* and the *Position*, demonstrate that they had inherited the Book and the traditions. The Muslim community is unanimously agreed that the Commander of the Faithful ʿAlī (ʿa) was the inheritor of the Prophet's learning. Once, ʿAlī (ʿa) asked him, "What will I inherit from you, O Prophet of God?"

"You will inherit what the prophets before had bequeathed,' he replied.

"And what did they bequeath?" ʿAlī inquired.

"They bequeathed God's Book and their traditions," he answered.

Al-Ḥākim al-Nayshābūrī's comments on the narration which says that ʿAlī (ʿa) inherited from the Prophet (ṣ) rather than his uncle ʿAbbās supports the former's superior position in terms of knowledge.

He says: There is no disagreement among the scholars that a cousin does not inherit if the deceased is survived by an uncle, and this consensus indicates that it was knowledge that ʿAlī inherited from the Prophet (ṣ) to the exclusion of his other heirs. The Commander of the Faithful ʿAlī (ʿa) used to say: "By God, I am his brother, partisan, cousin, and the heir to his

knowledge; so, who is more entitled to succeed him than I am?"[1]

Third: The report in question precludes, in absolute terms, the possibility of inheriting wealth from prophets but this contradicts the laws of the Qur'ān. Sunni scholars have tried to defend Abū-Bakr's report with some weak arguments without any success. It would have been better for them to return to the truth, otherwise, can they claim to have understood the religion more than the People of the Mantle? Or more than the Companions? Or are they more conversant with Arabic language styles than Abū-Bakr and ʿUmar? Were Abū-Bakr and ʿUmar unaware of some facts that later became evident to those who came after them, and as a result Abū-Bakr was unable to defend his stand when Fāṭimah (ʿa) argued her case by citing Qur'ānic verses on inheritance? For when she disputed with him, he was so confused that he was even clutching at straws.

If the words of God did not imply the inheritance of wealth, Lady Fāṭimah (ʿa) would not have cited them as arguments against Abū-Bakr, nor would he have kept silent on that. In fact, his silence was proof that he had conceded defeat before the Prophet's daughter. At that time, Abū-Bakr did not say that the two verses did not refer to the inheritance of wealth, because there was not anything in them that excluded it. Had the manifest meaning of the verses of inheritance not implied the inheritance of wealth, the narrations that he invoked to show that the general laws of inheritance had indeed been specified, would have had no force and the claims that specification had taken place would have arisen in the first place. Moreover, the Ahl al-Bayt (ʿa) had opposed outright Abū-Bakr's stand on that issue.

This shows why the interpretation of Sunni scholars of these two verses was wrong, likewise their assertion that Solomon (ʿa) inherited prophethood from his father David (ʿa) and not wealth and that Zachariah (ʿa) prayed to God for an heir to whom he would bequeath prophethood. If Solomon (ʿa) became a prophet by inheriting that position from David (ʿa) and not as a result of God's selection, and Zachariah (ʿa) really prayed for an heir who would inherit his position as prophet, was there any evidence to demonstrate that there was mutual contradiction between a legacy of prophethood and that of wealth? What proof do they have for such supposed inconsistency?

"*They follow nothing but conjectures and the desires of the [lower] soul*

1. *Al-Mustadrak* 3:226.

while there has certainly come to them the guidance from their Lord."

In Arabic, when the word *'irth* is used in its literal sense, it denotes the inheritance of wealth, and this is what readily comes to mind whenever it is mentioned. Where this word is used in connection with other things such as knowledge, wisdom or prophethood, its application is certainly metaphoric and therefore needs an indicator (verbal, semantic or circumstantial) that the intention is not literal, and there was no such indicator in the verses of inheritance.

How then did they know that wealth was not part of what could be inherited from the Prophet? Was there any evidence apart from Abū-Bakr's lone report? We believe that there was none and it is for this reason that our discussions in this book are centered on his report. If it were true that whatever prophets left behind was charity, and charity was unlawful for the Prophet's Household. The consumption of unlawful things was among the deadly sins, then why did the Ahl al-Bayt (ʿa), who were known for their great piety, adamantly seek what was unlawful for them and incessantly try to emphasize their right of ownership over it. As paragons of virtue and piety, wouldn't they have foregone that demand for fear of engaging in the impermissible, since the law has enjoined the taking of precautionary measures in religious matters? In this regard, the Commander of the Faithful ʿAlī (ʿa) once queried one of his governors in these words: "How can you enjoy food and drink knowing very well that you are partaking of what is unlawful…?"[1]

Spending the share of the Prophet's Household on warhorses and arms

It is narrated that after taking over the Prophet's estate and the grants he had given his Ahl al-Bayt (ʿa), their rights to the *khums* and the share of the Relatives from the spoils, Abū-Bakr converted them into sources for the expenditure on warhorses and arms, in preparation for war against the Apostates.

Ibn ʿAbbās relates: Abū-Bakr merged the shares of God and that of His Apostle [of the *khums*] into a single share and, together with that of the Relatives, earmarked it for warhorses and weapons. He preserved the shares of the orphans, the needy and the travelers, and gave no one apart from them. When Qutādah was asked about the share of the Relatives, he

1. *Nahj al-Balāghah* sermon no. 280.

said, "It was the Apostle of God's gift [which God had given him] and when he died Abū-Bakr and ʿUmar spent it in the way of God (i.e. on matters of war for the sake of His religion)."

In another version, he said, "…and when God caused His Apostle (ṣ) to die Abū-Bakr turned the share of the Relatives over to the Muslim treasury, and spent it in the way of God."

Jubayr ibn Muṭʿim says: Abū-Bakr did not give the relatives of the Apostle of God (ṣ) what he himself gave them.

When Lady Fāṭimah (ʿa) demanded Fadak, her share of the *khums* and her legacy from her father, Abū-Bakr said to her, "We have set aside the properties you are seeking for the purchase of warhorses and arms for the use of the Muslims in fighting unbelievers and the obstinately wicked…"

What an amazing way it was how Abū-Bakr treated the Prophet's relatives! Does our Islamic law allow the appropriation of Muslims' properties? Were the lives and properties of Muslims not equally sacrosanct? Did the Apostle of God (ṣ) not say, "I have been commanded to fight the people until they declare that there is no deity worthy of worship except God. Whoever declares it has indeed saved his life and property [and they will remain sacrosanct], except as the law will dictate, and the account of his deeds rests with God?"

Al-Bukhārī said that ʿUmar, Ibn ʿUmar and Abū-Hurayrah have narrated it from the Prophet (ṣ).[1]

Does the law not recognize people's right to exercise control over their properties? Did the Apostle of God (ṣ) ever take the properties of the people without their consent for the procurement of warhorses and arms or for the execution of war? Or, is this part of the innovations that have been introduced by the first caliph? Did the Ahl al-Bayt really have any right to the Prophet's estate, Fadak and *khums* or not? If they had any, then what made Abū-Bakr consider it permissible to spend it on warhorses and arms without consulting them to ensure their consent? He was supposed to first hand over their shares to them and then later request for their permission to dispose of the properties. If some acute financial situation had forced his administration to take over those properties then why didn't he include the properties of all other Muslims as well? Why didn't he even touch those grants that the Prophet (ṣ) had given to some of his companions? Even the

1. *Ṣaḥīḥ al-Bukhārī* 4:58.

gifts that some companions claimed that the Prophet (ṣ) had promised them Abū-Bakr awarded them to the claimants without inquiring to ascertain the veracity of their claims! The conduct of Apostle of God (ṣ) in peace or war was example enough; he had never taken the properties of the people to finance the war effort, except what they donated out of their own free will. However the first caliph did not pay heed to this practice of the Prophet (ṣ) nor did he respect his sanctity when he usurped the properties of the Ahl al-Bayt (ʿa).

Al-Bukhārī writes: Muḥammad ibn Ibrāhīm informed me that Abū-Salamah told him that a [land] dispute had occurred between him and some people and he mentioned the matter to ʿĀ'ishah who said to him, "O Abū-Salamah! Avoid land [disputes], for the Prophet (ṣ) has said: Whoever unjustly acquires even a span of land the portions that correspond to it from all the seven earths will be made into a collar for him [on the Day of Resurrection]."

Another variant of the narration reads: "Whoever takes a span of land that does not belong to him will be made to sink down to the seven earths on the Day of Resurrection."

The Ahl al-Bayt's conduct exposes those pretexts

Was the first caliph apprehensive that the Ahl al-Bayt (ʿa) would have been niggardly with the immense wealth that the Prophet (ṣ) had left behind and refused to support his campaign against the Apostates? Or, was he afraid that they would squander away those resources because they were prodigal? Or, was he more acquainted with the matters of essential interest to the Muslim community than the Gate of the City of Knowledge? Or, did he feel more concern than the Ahl al-Bayt (ʿa) and their chief ʿAlī (ʿa) for spending on the poor, the destitute, the travelers, and for fighting in the way of God? Or, was he more eager to fight the enemies of religion and defend Muslims and Islamic territory than the master of the soldiers, the Commander of the Faithful (ʿa) himself?

The Commander of the Faithful said (in a letter he wrote to Abū-Mūsā al-Ashʿarī), "[You should know that] no one has more concern for the community of Muḥammad (ṣ) and its harmony than I do, and [for this concern of mine] I seek a handsome reward and an honorable abode [in the hereafter]. And I will fulfill the promise I make…"[1]

1. Muḥammad ʿAbduh, *Commentary on Nahj al-Balāghah* 3:137 letter no. 78.

Elsewhere, he said, "No one can ever precede me in responding to an invitation to what is fair, to strengthening kinship ties and to acts of generosity."[1]

Surely, the Ahl al-Bayt (ʿa) were the epitome of asceticism, generosity and striving in the way of God with their resources and lives: "*And the foremost ones are the foremost ones. They are the ones brought near to God*." [Holy Qur'ān, Sūrah al-Wāqiʿah, verses 10-11]

They used to give out whatever came their way without bothering to keep something for their future needs, as the Qur'ān testifies:

Those who maintain the prayer and give zakāt while bowing down. [Sūrah al-Mā'idah, verse 55]

Those who give their wealth by night and day, secretly and openly… [Sūrah al-Baqarah, verse 274]

They give food, for the love of Him, to the needy, the orphan and the prisoner, saying: We feed you only for the sake of God. We do not want any reward from you or any thanks. [Sūrah al-Dahr, verses 8-9]

The Commander of the Faithful (ʿa) said with regard to his renunciation of the world: "Never! Tempt someone other than me. I have no need of you. I have divorced you the three divorces for which there is no returning."[2]

He also said: "I am the master of the believers and wealth is the master of the vicious."[3]

On the question of striving for the sake of God, Imam ʿAlī (ʿa) was unparalleled after the Prophet (ṣ) himself. In fact, his feats on the battlefield had become proverbial. The Qur'ān reads: *And among the people is he who sells his soul seeking the pleasure of God and God is most kind to [His] servants*. [Sūrah al-Baqarah, verse 207]

This was revealed concerning his great sacrifice. The Commander of the Faithful (ʿa) said: "The most honorable death for one is to be killed [for the sake of the truth]. By Him in whose hand is the life of ʿAlī ibn Abī-Ṭālib I swear; a thousand strokes with the sword are easier to endure for me than dying on my bed not in obedience to God."[4]

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1. *Ibid.* 2:31 sermon no. 135.
2. *Nahj al-Balāghah* sermon no. 77.
3. *Nahj al-Balāghah* sermon no. 316.
4. Muḥammad ʿAbduh, *Commentary on Nahj al-Balāghah* 2:3 sermon no.119.

In another place, he said, "By God I do not care whether I set out to meet death or it comes forth to meet me."[1]

Elsewhere, he said, "Was anyone among them tougher than me on the battlefield, or did anyone do more than I have done? Did anyone take a closer position to the enemy than I did? Indeed, I started fighting wars before the age of twenty and now I am above sixty!"[2]

In another place, he said, "The best means of attaining the favors of God the Sublime and Most High are two: to have faith in God and His Apostle and to strive for His cause; this is the peak of Islam."[3]

He also said, "Fear God! Fear God! Strive in the way of God with your wealth, your persons and your tongues."[4]

In another place, he said, "O you people! By God I will never urge you to do acts of obedience to God but I have done the same ahead of you, and I will never forbid you from committing sin but I have refrained from the same ahead of you."[5]

Thus, Abū-Bakr's assertion that he had earmarked the disputed properties for the purchase of warhorses and arms in preparation for waging war in the way of God was only a pretext for appropriating the Ahl al-Bayt's legitimate possessions, and this was nothing but an act of deception and robbing Peter to pay Paul. The protracted complaints of the Ahl al-Bayt (ʿa) about this issue show that Abū-Bakr and his partisans had in fact treated them unjustly and violated the laws of God Almighty.

Motives behind misappropriation of the possessions of the Ahl al-Bayt

After the events of the convention of Saqīfah, the Quraysh attained its goal of taking over the Islamic leadership, which was the position of the Commander of the Faithful ʿAlī ibn Abī-Ṭālib (ʿa) by God's decree and His Apostle's investiture. The usurpation of the caliphate tore the system of Islamic law asunder and turned its very foundation topsy-turvy because the divine plan for the Islamic nation demanded that the Commander of the

1. *Ibid.* 1:99 sermon no. 54.

2. *Ibid.* 1:63 sermon no. 27.

3. *Ibid.* 1:215 sermon no.106.

4. *Nahj al-Balāghah* sermon no.286.

5. Muḥammad ʿAbduh, *Commentary on Nahj al-Balāghah* 2:108 sermon no.170.

Faithful (ʿa) assume the reins of leadership immediately after the demise of the Apostle of God (ṣ) to ensure the continuity of divine rule on earth. The divine law of Islam includes a comprehensive system of government designed by the perfect hand of God and therefore free from defects.

Because no government can survive, maintain its sway, and continue to implement its programs, without resources at its disposal, God granted His apostle (ṣ) the *anfāl*, the one fifth of the general spoils of war, the *fay',* the *ṣafāyā* and other sources of wealth, from which he would finance his administration. God Almighty granted the Prophet (ṣ) those resources as a token of His mercy, so that no one could count any donation that he may give to the Prophet (ṣ) as a favor.

This great resource that the Prophet (ṣ) left behind was meant to be transferred, after his death, as far as the law is concerned, to the Imams of the Ahl al-Bayt (ʿa), by virtue of their position as guardians of the Islamic nation and by virtue of the law of inheritance. Therefore, when Abū-Bakr took over the caliphate he realized that the funds that were necessary for running the state were absent, because the resources with which the Prophet (ṣ) used to run the Islamic state naturally and legally passed on to his immaculate Ahl al-Bayt (ʿa). It was then that Abū-Bakr unhesitatingly seized their properties, thereby, violating their rights and trespassing forbidden ground. Because the divine arrangement for the Islamic nation planned a solid and uniform legal system that did not permit any split, any crack in the system would rupture the Islamic edifice as a whole and open the way for the iniquitous to defy the law. This is exactly what happened when the Quraysh usurped the caliphate and the Prophet's estate, among other evil machinations.

The following words of the Commander of the Faithful (ʿa) allude to this matter: When the Apostle of God (ṣ) passed away, some people reneged on their loyalty. Their heretical tendencies destroyed them; they trusted [unreliable] confidants; they were kind to the relations of others while they disregarded those of the Prophet; they abandoned the rope [i.e. the Prophet's progeny], which they were instructed to adore; they removed the edifice from its foundations. They were the source of all forms of blunder. They lead all those who wallowed in ignorance. They were intoxicated and overwhelmed by confusion. Their situation was similar to that of the people of Pharaoh. They featured a complete preoccupation with this world

and trusted it, and parted ways with religion.[1]

Thus, the usurpation of the caliphate naturally resulted in the misappropriation of the Prophet's estate. God Almighty instituted a formula for the dividing of the sources of wealth and nothing had been allocated for the usurpers of the Ahl al-Bayt's political position. Abū-Dāwūd al-Sajistānī relates a narration through ʿAbd al-Raḥmān ibn Ziyād from Ziyād ibn Naʿīm al-Ḥaḍramī, from Ziyād ibn al-Ḥārith al-Ṣadā'ī who said: I went to the Apostle of God (ṣ) to pay allegiance to him. As he made a discourse, a man came up and said, "Give me some charity," upon which the Apostle of God (ṣ) replied, "God Almighty has decided on [the formula of the disbursement] of the charities, and did not leave it to the discretion of anyone, prophet or otherwise. He divided it into eight parts [and allocated each to a category of people] so, if you happen to fall into those categories, I will give you your right."[2]

The Commander of the Faithful ʿAlī (ʿa) once said to ʿUmar ibn al-Khaṭṭāb, "When the Qur'ān descended on the Prophet (ṣ), properties were classified into four categories: personal properties, which he divided among the heirs based on the law of inheritance; the *fay'* (the spoils that the Muslim community took without military engagement), which he divided among those who were entitled to it; the *khums* (one fifth of all forms of gain including war spoils), which God assigned to its recipients; and the charities (*zakāt*), which He allocated to certain groups of people…"[3]

After seizing the caliphate and the Prophet's estate, Abū-Bakr waged a fierce war on a group of Muslims, under the command of Khālid ibn Walīd, despite the opposition of some companions of the Prophet (ṣ). He had labeled the people who had withheld their *zakāt* and refused to pay it to him as *apostates,* perhaps to enable him gather enough resources for the consolidation of his rule.

Thereafter, violations of rights and the rules of divine law, the suspension of the specified punishments (*ḥudūd*), violation of sanctities and heresies became the order of the day, because the powers that were had accepted the use of independent opinion in the face of established provisions of religious texts as justification for their political actions. Their personal

1. *Sharḥ Nahj al-Balāghah* 9:132.

2. *Sunan Abī-Dāwūd* 1:368 ḥadīth no. 1630; Al-Bayhaqī, *al-Sunan al-Kubrā* 7:6; *Tafsīr Ibn Kathīr* 2:378; *Al-Durr al-Manthūr* 3:250.

3. *Nahj al-Balāghah*, sermon 276.

desires and independent opinion prevailed over the Book of God and the Prophetic traditions. What a misfortune! "*Say: [This is] the truth from your Lord: let anyone who wishes, believe it and let anyone who wishes, disbelieve it. Indeed, We have prepared for the wrongdoers a Fire whose curtains will surround them. If they cry out for help they will be helped with a water like molten copper which will scald the faces. What an evil drink and how ill a resting place!*" [Holy Qur'ān, Sūrah al-Kahf, verse 29]

Some remarks

With God's help, we have completed our presentation in which we intended to reveal the truth about the properties that the great Prophet (ṣ) had left behind and the injustice and infringement on the rights of the Ahl al-Bayt (ʿa) perpetrated by the party of Quraysh at Saqīfah. I believe that this presentation has proved without any doubt that they did not respect the honor of the Apostle of God (ṣ) with regard to his pure progeny (ʿa). Fāṭimah the chief of the women of Paradise kept angry with Abū-Bakr, ʿUmar and their supporters until the time she returned to her Lord. As we said before, Fāṭimah's resentment was not on account of love for riches or for any aspect of this fleeting world. It should be remembered that she was the inheritor of the Prophet (ṣ) who had grown up under his care and partaken of his pure spring of guidance. The Quraysh establishment had once offered her father position and wealth but he declined their offer and even after he became the sole power of the Arabian Peninsula, he continued to live an ascetic life until he returned to his Lord and it was from him that Fāṭimah (ʿa) learnt how to live a life of asceticism. When his daughter came of age, the Prophet (ʿa) chose for her as husband, the most beloved man to him, the Commander of the Faithful ʿAlī (ʿa). Fāṭimah did not leave the house of devotion and asceticism, since the house of Fāṭimah and ʿAlī (ʿa) was, in fact, part of the Prophet's house.

Imam ʿAlī (ʿa) is reported to have said to a man of the Banū-Saʿd clan, "Do you want me to tell you how my life with Fāṭimah (ʿa) looked like? She was the most dearly loved of the Prophet's household to him. She carried water in the water-skin till that toil affected her in the chest, worked the corn mill till her hands developed blisters, swept the house till her dress became soiled with dust, made the fire in the hearth till her dress darkened (because of smoke). These chores caused her much harm, so I suggested that she should go to her father and ask for a servant[1] to relieve

1. *Biḥār al-Anwār* 43:82.

her of those tasks…"

This famous story that has been related in major *ḥadīth* works. Al-Bukhārī narrated that Imam ʿAlī (ʿa) said: Fāṭimah, peace be upon her, showed the effects of the grinding mill on her hands, so when some captives were brought to the Prophet (ṣ) she went to see him but he was not at home. So, she met ʿĀ'ishah and informed her about the matter. When the Prophet (ṣ) returned home, ʿĀ'ishah told him that Fāṭimah (ʿa) had called, so he came to us and found that we had already retired. I wanted to rise from the bed but he asked us to remain where we were. He sat between the two of us and I even felt the coldness of his feet. Then he said, "Let me teach both of you something that is better than what you have requested from me. Whenever you go to bed mention the greatness of God (i.e. say *allāhu-akbar*) thirty-four times, glorify Him (i.e. say *subḥānallāhi*) thirty-three times and praise Him (i.e. say *alḥamdulillāhi*) thirty-three times. It is better for you than a servant."[1]

A perusal of the Prophet's conduct with regard to his pure Household (ʿa) will show that he had trained and prepared them to assume custodianship of the message of the Holy Prophet and leadership of the Islamic nation after him. Their asceticism and generosity had been espoused in the glorious Qur'ān and the Prophet's traditions and it was a self-evident matter that did not need any proof. Whoever knew the Ahl al-Bayt (ʿa) could easily see why they had been given the *khums*, the share of the Relatives, the *anfāl* and their legacy from the Apostle's estate. Had they been able to retake their usurped rights they would have used it to make the pillars of religion firm and served Islam and Muslims. No orphan would have remained ill clothed, no poor would have complained of hunger, no traveler would have lacked support, and the people would have all lived in comfort: "*If the people of the towns had been faithful and God wary, We would have opened to them blessings from the heaven and the earth. But they denied; so We seized them because of what they used to earn.*" [Holy Qur'ān, Sūrah al-Aʿrāf, verse 96]

Fāṭimah (ʿa), the truthful and pure, alluded to this fact in the speech she made in the presence of Abū-Bakr, the Migrants and the Helpers.

Going back to the issue of Fāṭimah's anger towards Abū-Bakr, the Prophet's daughter did nothing except for the sake of God: whether she expressed pleasure, anger or hatred, all was done for His sake.

1. *Ṣaḥīḥ al-Bukhārī* 5:24; *Musnad Aḥmad* 3:150; *Kanz al-ʿUmmāl* 6:290.

Thus, Fāṭimah (ʿa) was angry because they had left her father's remains lying on his death bed and rushed to their convention to dispute over the power he had left behind and later, given Abū-Bakr a pompous escort to the Prophet's mosque as the new caliph.

Fāṭimah (ʿa) was angry because they had broken their covenant and forsaken the truth, usurped her husband's right to succeed the Prophet's position as leader, and forced the people to pay allegiance to Abū-Bakr.

Fāṭimah (ʿa) was angry because they had attacked her house with arms and set the door on fire. They entered the house without her permission and in doing so pressed her against the door and struck her with a whip and a scabbard, as a result of which, she miscarried her unborn fetus, Muḥsin. Their action terrorized her children Ḥasan, Ḥusayn and Zaynab and the other residents of the house.

Fāṭimah (ʿa) was angry because they dragged the Commander of the Faithful ʿAlī (ʿa) out of the house by force, like a camel led by the halter, to pay allegiance to Abū-Bakr and threatened him with death if he refused.[1]

Fāṭimah (ʿa) was angry because they seized Fadak from her, denied her her legacy from her father, her share from the *khums*, the portion of the Relatives and the *anfāl*, and contradicted the Qur'ān and the Ahl al-Bayt (ʿa) and held the laws of the Qur'ān and the Prophet in contempt.

Fāṭimah (ʿa) persisted in her anger until she breathed her last, defending the foundations of the message of the Holy Prophet, the guardianship position of the Commander of the Faithful and the legacy of Ḥasan and Ḥusayn (ʿa).

Lady Fāṭimah (ʿa)—the chief of all women and the daughter of the chief of humankind (ṣ)—attained martyrdom in the way of God the Mighty and Sublime. After fully discharging her duty and establishing the proof against all the followers of her father.

Closing Remarks

I do not claim to have done justice to all aspects of the discussion on the estate of the lord of the prophets, Muḥammad (ṣ); however, this can be considered a serious attempt to reveal some facts deliberately concealed by

1. See my other book: *Fāṭimah, the Daughter of the Prophet, Between Succession to the Prophet and Legacy*.

the opponents of the Divinely ordained leadership (*wilāyah*) of the Ahl al-Bayt (ʿa) over the Islamic nation, throughout its history. Indeed, this hostile action was intended to conceal the truth and it would have succeeded, had God Almighty not promised to save His religion and help His chosen friends through such means as He chooses. He is indeed powerful over all things.

By God, it was never our purpose to criticize anyone. We only wished to defend the truth and refute falsehood as an act of service to Islam and Muslims. Surely, no one among us is free from fault, error or forgetfulness, except those whom God has saved by His grace. We beseech the Almighty God, the Merciful and Forgiving, to accept this modest effort and register it as having been done solely for His pleasure, so that it may be stored up for us as a provision for *The day when neither wealth nor children will avail except him who comes to God with a sound heart.* [Holy Qur'ān, Sūrah al-Shuʿarā', verses 88-9]

I pray that God will bless this work and make it beneficial for my Muslim brothers. We also pray for the pleasure of God and His beloved Prophet Muḥammad, the Chosen One (ṣ). May He make us to be among the wayfarers on the straight path, holding firm to the greater of the Two Weighty Things, the firm rope of God and His clear light (i.e. the Qur'ān), and devoted to the smaller, the Ahl al-Bayt (ʿa), the progeny of the Apostle of the Lord of the worlds (ṣ). May God make us live a good and blessed life and cause us to die the death of the prosperous who are devoted to the Ahl al-Bayt (ʿa). May He permit us to benefit from their intercession on the Last Day and resurrect us in their group, among the pious. I seek God's forgiveness and repent of all sins and the slips of my pen, those I know of and those I am ignorant of, and, finally, all praise is due to God, the Lord of the worlds.